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ABSTRACT

The focus on this two-part document is the background information illuminating the underlying issues of the 1974-75 National High School Debate Resolutions. Within the general category of the problems of political reform, the specific problem area is stated as "How can the federal political system best be improved?" The three debate resolutions which are discussed involve the adoption of a parliamentary system of national government, alterations in the selection of presidential and vice presidential candidates, and government financing of political campaigns for federal office. A 186-item annotated bibliography lists resources useful in discussion and debate and in research concerning the problem area of political reform. Selections are listed alphabetically by author under sections on books, articles from general periodicals, articles from law reviews, articles from political science periodicals, and government documents. (JM)

POLITICAL REFORM

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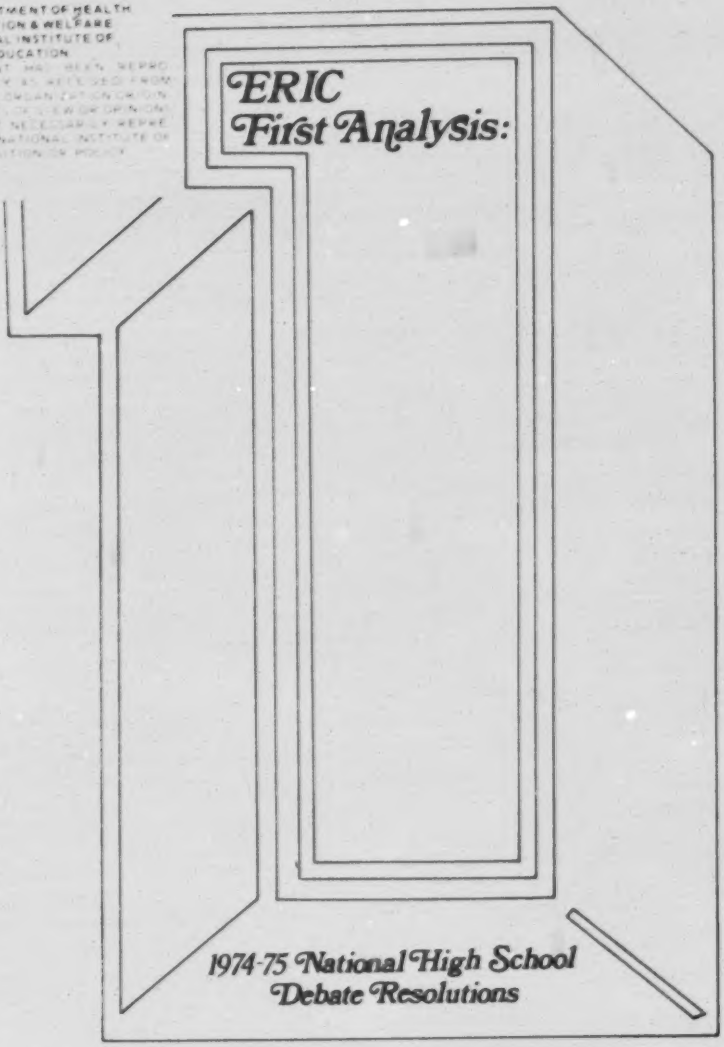

by William M. Reynolds

PREFACE TO THE ERIC FIRST ANALYSIS

In preparing the ERIC *First Analysis* the author has not attempted to write a typical debate handbook containing affirmative and negative casing approaches and evidence files. Rather, he has been concerned with supplying the reader with background information which points out and illuminates the underlying issues of the 1974-75 National High School Debate Resolutions. Of course, the complex subject of election reform in the United States cannot be encompassed in detail in a study of this limited magnitude. However, if it stimulates thought and motivates further research, then the study will have succeeded in meeting its goals. In order to facilitate additional research, an extensive annotated bibliography will appear in the May issue of *The Forensic Quarterly*.

Primary research materials assembled by the author are also available on microfiche for these students having access to microfiche readers. These can be obtained by writing to the ERIC/RCS Speech Communication Module, Speech Communication Association, Statler Hilton Hotel, New York, New York 10001 ($3.95 prepaid). Also, a mimeographed selected annotated bibliography on political reform is available free on a single order basis from the same address.

The author wishes to express his deep appreciation to Dr. Patrick Kennicott, Associate Executive Secretary for Research of the Speech Communication Association, without whose assistance the project could not have been completed. In addition, I would like to express a debt of gratitude to Research Assistants Graham and Judith Chynoweth and to the ever-patient Julie Bernt, who helped type the manuscript.

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The Problems of Political Reform

PROBLEM AREA

How can the federal political system best be improved?

DISCUSSION QUESTIONS

To what extent should the present structure of the federal government be revised in order to increase its efficiency in the modern world?

How can we best ensure opportunities for full participation in elections by all United States citizens?

How can federal elections best be financed?

DEBATE RESOLUTIONS

Resolved: *That the United States should adopt a parliamentary system of national government.*

Resolved: *That the United States should significantly change the method of selecting presidential and vice-presidential candidates.*

Resolved: *That campaign funds for all federal elective offices should be provided exclusively by the federal government.*

Problem Area, Questions, and Propositions Recommended for Secondary Schools of the United States, 1974-1975

POLITICAL REFORM: ERIC FIRST ANALYSIS*

By William M. Reynolds†

Introduction

On December 3, 1973, pollster Louis Harris presented to the Senate Subcommittee on Intergovernmental Relations the results of a survey on public attitudes toward government which the subcommittee had commissioned his organization to undertake. In the main, Harris reported:

> A crisis of the most serious magnitude now exists in the responses and assessments of the people to their Government. While there are some traditional strains of feelings of economic injustice, the main thrust of the people's disaffection can be traced to a growing sense of powerlessness, to a deep feeling that those with power seek to abridge, deny and even strip away the ultimate power of the governed. This felt tyranny of erosion of the people's power and freedom has not been viewed as a sudden development, is not limited to one act or one leader or one period in recent history. It has been taking place for several years, and its very duration escalates a serious and even dangerous condition into what I view as a full-blown crisis of confidence.[1]

In support of his claims, Harris cited data of the most startling and compelling nature. On a standard scale of powerlessness, cynicism, and alienation, the number of Americans who expressed "disenchantment" with government had risen from 29 per cent when the first sampling was taken in 1966 to 55 per cent in the autumn of 1973. The increase was not an abrupt and precipitous one, caused by a single phenomenon such as Watergate. Rather, it was gradual, "seemingly gaining momentum with each passing year." From its initial low of 29 per cent in 1966, it

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*Prepared for *Political Reform: The Forensic Quarterly*, Vol. 48 (April, 1974). Copyright, 1974. All rights reserved. CHARLEY LEISTNER.

†Professor William Reynolds of George Washington University wrote the *ERIC First Analysis* on Social Welfare last year in association with John E. Sexton of Saint Brendan's High School in Brooklyn, New York. As sole author this year, Mr. Reynolds recognizes the contributions of Research Assistants Graham and Judith Chynoweth.

1 United States Congress, Senate Subcommittee on Intergovernmental Relations of the Committee on Government Operations, "Confidence and Concern: Citizens View American Government," 93rd Cong., 1st sess., December 3, 1973 (3 vols. plus Summary Report), Summary Report, p. 7.

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increased to 36 per cent in 1968, 42 per cent in 1971, 49 per cent in 1972, and up to the 55 per cent level in 1973.[2] Moreover, the general trend was confirmed by nearly every specific index of alienation. As Harris noted in his testimony before the subcommittee:

> The proposition that "what you think does not count much anymore" has grown from a minority of 37 per cent all the way up to 61 per cent. . . ."People running the country do not really care what happens to you" has risen from 26 per cent to 55 per cent; those who believe the old shibboleth . . . [that] "the rich get richer and the poor get poorer" is up from 45 per cent to 76 per cent. The sense that "people with power try to take advantage of people like yourself" has grown from a minority of 33 per cent in 1971 to a majority of 55 per cent [today] . . . 74 per cent believe that "special interests get more from government than people do." A majority of 60 per cent agree with the charge . . . that "most elected officials are in politics for all they personally can get out of it."[3]

In addition, the study indicated that no level or branch of government is exempt from the growing disaffection and disenchantment expressed by the sample. Since 1966, confidence in the United States Supreme Court has fallen from 51 per cent to 33 per cent; in the United States Senate from 42 per cent to 30 per cent; in the United States House of Representatives from 42 per cent to 28 per cent; and in the executive branch of the federal government from 41 per cent to 19 per cent. With state and local governments the same vote of no confidence prevails. Only 28 per cent of the people expressed a high degree of confidence in their local elected officials, and the figure was even lower for state political leaders (24 per cent).[4]

Furthermore, "the crisis in confidence" appears to be spilling over to nongovernmental institutions. Confidence in the medical profession, for example, fell from 72 per cent approval in 1966 to 57 per cent in 1973 (medicine is one of two areas to retain majority approval; the other is trash collection); higher education from 61 per cent to 44 per cent; the military from 62 per cent to 40 per cent; organized religion from 41 per cent to 36 per cent; and business from 55 per cent to 29 per cent. In 1973, only 20 per cent of the American people expressed a high degree of confidence in organized labor, and the law profession enjoyed the esteem

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2 *Ibid.*, pp. 6-7.
3 *Ibid.* p. 7.
4 *Ibid.*, pp. 8-9.

of a scant 24 per cent of our citizens. Only one area, mass media, has gained in public respect over the past seven years, but, despite that fact, none of its branches—radio, television, or newspapers—commands support from a majority of Americans today.[5]

However, even though in his judgment the survey revealed that "public confidence in government generally must be reported as being lower than a constituent democracy can afford," Harris was quick to point out to the subcommittee that the study in no way indicated that Americans had lost faith in their institutions or system of government. "While disenchantment among the public runs deep," he explained, "it is important . . . [to understand] that this disaffection is far more directed at the leadership of our institutions than the institutions themselves." No more than 5 per cent of the public are willing to scrap the system, he continued, "but there is a mood of skepticism about current leadership of nearly all institutions, and just below the surface a growing willingness to throw the rascals out." Harris based his assessment on the following evidence:

> A remarkable measure of just how much the public is aroused can be found in a series of questions put to the people about whether the leaders they have today have positive characteristics, and whether or not it is possible to have that kind of positive leadership. On only one count—leaders genuinely working for peace—did a majority of 53 per cent of the public feel the country had such leadership, but, even there, a higher percentage, 90 per cent, thought it possible to have such committed leaders. Only 10 per cent feel that they have leaders today "who come up with solutions to inflation that work," but 79 per cent think it possible to have such leaders. Only 17 per cent feel that "the best people are attracted to serve in public life," although 89 per cent think that is possible. No more than 18 per cent think "government is the most exciting place to work," but 68 per cent think it can be made that way. Only 24 per cent think in our Government "the good of the country is placed above special interests," but 85 per cent think it can be. No more than 36 per cent think "most public officials are dedicated to helping the country," but a very high 88 per cent think that such men in public life can be found. . . .[6]

What causes did the survey uncover which would explain the growing estrangement between the American people and their elected

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5 *Ibid.*, pp. 7-8.
6 *Ibid.*, p. 12.

officials? First, most Americans admit to being uninformed about government and politics. Only 36 per cent can correctly identify both senators from their state and less than a majority can name their congressman. The number of citizens with any real substantive knowledge about public issues is probably lower still.

Second, aside from responsibilities such as paying taxes, voting, securing licenses, and applying for government benefits, few Americans have direct contact with government and government figures. Less than one out of ten at the local level and no more than one out of twenty at the state and federal levels have engaged personally and meaningfully in political activities—participating in a political campaign, for example, or attempting to influence legislation.

Third, a significant majority of Americans believe that they are being excluded from the democratic process. They view governmental secrecy not only as an attempt to prevent their participation in government, but "as a screen for subverting their freedom." As Harris summarizes the attitude, "people all over the country are literally crying out for the kind of compassionate and farsighted leadership which will be willing to face the public squarely and honestly, lay out the problems for the people to see, have courage to ask the public to face these problems, and open the doors of government for the people to share in the decision-making process."

Finally, the public is deeply suspicious concerning the basic honesty and integrity of their elected officials; 70 per cent of the American people believe that "corrupt politicians are a real problem for the country." Indeed, Harris places credibility of public officials at the heart of the problem of alienation. "The matter of honesty and straight-dealing [in public officials] is one that the public is deeply alarmed about," he informed the subcommittee. "It cannot be underestimated. The American people simply will not rest easy until they feel that integrity in government at all levels is secure."[7]

The Harris survey confirms in sharp definition what other political observers have sensed and attempted to communicate for decades. Many reforms have been proposed, and some have been enacted, for making government more responsive to the popular will and for enlarging the role of the American people in the political decision-making process. The initiative, referendum, and recall, measures for revenue sharing, reform of Congress, laws regulating lobbyists and spokesmen for

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7 *Ibid.*, pp. 11-13.

special interests, and various schemes to promote citizen oversight of governmental activities are simply a few of the more important milestones in the movement toward this goal. The 1974-75 National High School Debate Resolutions—adoption of a parliamentary system, alterations in the manner in which we select presidential and vice presidential candidates, and government financing of political campaigns for federal office—invite us to explore our historic problems with participatory democracy from new perspectives.

In the pages that follow, we shall attempt to analyze each of the 1974-75 resolutions first by bringing it into definitional focus and then by outlining its salient advantages and disadvantages. As you read the *Analysis*, you will note that the propositions interact dynamically. Issues in one also come into play in the others.

I. Resolved: *That the United States Should Adopt a Parliamentary System of National Government*

Proposals for reconstituting our system of government into a parliamentary form are not new, nor has the subject escaped the notice of many of our most astute political theorists. In the 1870s in a series of far-ranging articles and editorials, *Nation* probed the matter at length. Several years later, Woodrow Wilson published his classic study, *Congressional Government*, in which he called for "responsible cabinet government in the United States." The debate was opened anew in 1935 by William Yandell Elliott's *The Need for Congressional Reform*. Since then, journalists and authors, including Thomas K. Finletter, Frank L. Cobb, Henry Hazlitt, Walter Lippmann, David Lawrence, Richard Strout, and James MacGregor Burns, have advocated changes in our governmental structure which tend toward parliamentary forms.

Definitions

What is a parliamentary system of government? This is a difficult question to answer since parliamentary governments vary dramatically in structure from one country to another. However, all parliamentary systems display certain essential characteristics. Because these characteristics are most pronounced in the British system, which a majority of political scientists agree is "the purest form of parliamentary government," we shall use that nation's political organization as a model for developing our definitions. Later we shall examine some significant deviations from the British model which have emerged as a result of the experience of other nations.

1. The British system is typified by a fusion of legislative and executive authority. The prime minister and his cabinet are all members of Parliament (in recent years, from the House of Commons) and are selected from among the membership of the majority party. They continue in office during the term of Parliament (seven years) for as long as they command the confidence of a majority in the House of Commons. A vote of no confidence at any time during the session results in a dissolution of Parliament and a general election. The cabinet is marked by a high degree of solidarity. As Ferdinand A. Hermens explains in *The Representative Republic*:

> . . . [M]inisters are to act as a team. While policy is being made they may have a share in the process involved, expressing their own views freely (if confidentially) to the Prime Minister personally or in cabinet meetings. Once a policy has been decided upon it is to be accepted and defended by all. If a vote of censure is adopted against any one minister, the entire government resigns unless . . . there is a clear cut case of bad administration, or error of judgment on the part of a minister for which the government does not always assume responsibility. . . . [I]t is assumed that the various aspects of government policy form an integrated whole and that, if any part falls, the whole is in danger. At the same time, in their public utterances all ministers are expected to defend the government's decision.[8]

In addition, the cabinet wields enormous powers in the legislative process. Cabinet ministers determine policy, draft enabling legislation, guide bills through Parliament and defend them, if need be, against spirited attack by the opposition and discontents in the body politic. So great is the power of the British cabinet that it has often been accused of being dictatorial, reducing the member of Parliament, in the words of Winston Churchill, to "a silent drudge, trampling at intervals through lobbies to record his vote, and wondering why he comes to Westminster at all."[9]

2. By no means less important, the British system is virtually synonymous with strong party government. James MacGregor Burns writes in *Congress on Trial*:

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8 Ferdinand A. Hermens, *The Representative Republic* (Notre Dame, Ind.: University of Notre Dame Press, 1958), p. 215. In the writer's opinion, this study presents an especially clear definition and discussion of parliamentary government.

9 *Life of Lord Randolph Churchill*, Vol. I, pp. 69-70, quoted in James MacGregor Burns, *Congress on Trial* (New York: Harper and Brothers, 1949), p. 37.

> . . . [In Great Britain] the party is supreme. Its role in national life is so meaningful and decisive that most Englishmen vote in terms of the party program and record, rather than on the basis of personality, salesmanship, and promises of the individual candidate. They judge the office-seeker by his party label. They do not elect Tom Brown or Sir Wyatt Smith, but the Labour or Conservative candidate. . . .
>
> . . . [T]he British party system is an almost ideal form of representative government. By forcing candidates for Parliament to run on the national platforms, it gives the voter a real choice between two opposing programs. And the voter expects the successful candidate to support that program once he takes his seat in the Commons, for faithfulness to that cause is part of the bargain between voter, candidate, and party. The parties make no pretense of responding to every ripple of public opinion, or to every pressure of some organized minority. They have the more vital function of expressing the broad political aspirations of a majority of the people.[10]

Indeed, Burns concludes, given the strength, robustness, and discipline of the British political parties, almost any form of government might have succeeded in England.[11]

A number of reasons are offered to explain why strong parties developed in Great Britain. In the first instance, Great Britain is an especially homogeneous nation. It has been largely spared the irresolvable differences in ideology, race, and religion which have, at times, shattered American parties. Moreover, being unitary, "the central government has had to shoulder for many years the tasks of the modern state, without sharing that burden with lesser governments as in our country, . . . [forcing] the English parties to focus attention on national solutions and to strengthen central party leadership so that the solutions could be carried out."[12]

But these socio-political factors alone do not account for the strength of British parties. More practically, that strength arises from a number of powerful incentives which operate to keep the individual member in line. In the first rank of these is the fact that the personal fortunes of the English politician are irrevocably linked to the fortunes of his party. As we have seen, British elections are peculiarly a case of

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10 *Ibid.*, pp. 37-38. A landmark study of the United States Congress, this work is a classic in its field. It is used extensively in this study and is recommended reading on this proposition.

11 *Ibid.*, p. 155.

12 *Ibid.*, p. 158.

"winner take all." Victory at the polls gives the winning party almost total legislative and executive control; defeat dooms members of the losing party to protracted periods of partial political impotence. Thus, advancement in a politician's career depends not only upon working for his party's victory in order that opportunities for higher office will exist, but also upon impressing his party's leadership so that he will not be passed over in competition for these offices. British party members rarely act, therefore, in a way that would bring the government down or embarrass the party leadership.[13]

Financial control by the national party headquarters gives the party a second method of disciplining its members. Quite often, funds for electioneering must come from a central war chest. In addition, the party leadership provides indirect financial support in the form of "traveling professional staffs, which provide information, speakers and guidance to local associations."[14]

Party leaders also enforce discipline through their power to dissolve Parliament. Dissolution is an inherent power of the cabinet in the British system. As we have seen, when the government loses the support of a majority in the House of Commons, dissolution must be ordered. But dissolution or the threat of it can also be employed as a weapon to prevent members from breaking party lines. On the surface it is effective because naturally few members of Parliament savor the thought of having to stand for reelection. However, dissolution is a much more awesome weapon than this explanation suggests. Its real power lies in the fact that the party leadership not only can refuse disloyal members renomination under the party label but also can withhold financial support for their campaigns.[15]

3. The British system is based upon a single-member, plurality rule principle of electing members to Parliament from boroughs. Each borough is entitled to one seat in the House of Commons, a close parallel to the American system of electing congressmen from congressional districts. The borough elects its member of Parliament by the "plurality system," since the candidate with the greatest number of votes is declared the winner whether or not he succeeds in capturing an absolute majority. The principle is also employed, of course, in Parliament. Even when no party has an absolute majority in the House, as was the case in 1924 and as is the situation now, organizations of the government

13 Hermens, *op. cit.*, pp. 232-235.
14 Burns, *op. cit.*, p. 158.
15 *Ibid.*, pp. 155-162.

follow the procedures described above. One party, acting as if it were a majority, is invited to form a cabinet, which governs as long as it enjoys the confidence of the House of Commons.[16]

Because of the single-member, plurality rule principle, the formation of splinter parties has been discouraged in England. As a consequence, Great Britain has escaped the problem of coalition government, which besets many of the continental democracies where multi-party systems prevail. At this juncture, all attempts to reform the British election process—schemes for proportional representation and the creation of multi-seat districts—have been beaten back. As Hermens remarks, a radical departure from the plurality system ". . . would entail a change in the essential characteristics of the British government. . . . [It] would, in fact, not only destroy the structure of British government at the top; it would seriously affect that basis of consent which has developed in Britain since the Glorious Revolution."[17]

4. England's parliamentary system rests on legislative dominance by the House of Commons. Like the United States, Great Britain has a bicameral legislature, the House of Commons and the House of Lords. Throughout much of history, the two chambers were nearly equal in power. Prior to 1832, this presented no particular problems because the nobility controlled the House of Commons as well as the House of Lords. However, with the growth of popular democracy in the nineteenth century, tensions rapidly developed between the two bodies, producing serious "frictions, delays, mutual paralysis and inconclusive compromises." It became apparent in 1909, when the House of Lords rejected the progressive tax system favored by the cabinet, that bicameralism was essentially incompatible with the cabinet form of government that had evolved. Consequently, the House of Commons began whittling down the power of the House of Lords. Today, the House of Lords is capable of little more than delaying legislation for brief periods of time.[18]

The essential characteristics of the British parliamentary system, then, are fusion of legislative-executive functions in a cabinet that is responsible to a majority in Parliament, extremely strong, disciplined parties, a two-party system that is promoted by the single-member, plurality rule principle, and legislative dominance by the House of Commons. Observers generally agree that no one of these factors by

16 Hermens, *op. cit.*, pp. 216-217.
17 *Ibid.*, *pp.* 217-218.
18 *Ibid.*, pp. 235-240.

itself can explain the extraordinary success of the English system; they combine, to use the old maxim, to produce a whole that is greater than the sum of its parts. Deficiencies in any one of these fundamentals would, therefore, seriously weaken, if not result in the failure of, British government. This conclusion appears to be highly valid when we examine the experience of other nations with parliamentary systems.

Outside England, parliamentary government has met with the greatest success in the Commonwealth nations, notably Canada, Australia, and New Zealand. In all of them the British model has been faithfully reproduced. Canada, in particular, is of interest to those who advocate adoption of parliamentary government in the United States. Like our nation, Canada is faced with the problem of integrating the diverse interests of groups distinguished by differences in religion and national origin and by the localism and sectionalism engendered by the vast geographical sweep of the country. That she has managed to be so successful within the framework of federalism not only suggests that parliamentary government might be applicable to the United States but also gives direction as to how the adaptation might be made. We shall return to the Canadian parallel later in this section.[19]

Elsewhere, in continental Europe, Latin America, and the Far East, parliamentary systems have generally been characterized by instability and inefficiency. In the overwhelming majority of instances, since they involve underdeveloped nations—many of which are only now emerging from the effects of colonial domination—these failures may be explained away in terms of general unpreparedness for democratic government in any form. They lack what Hermens calls "social 'matter'," the cohesion, tolerance, and moderation necessary to form a democratic state.[20]

Such is not the case, however, in Japan and the modern industrial states of Europe. In those countries, failures with parliamentary government appear to be linked to structural deficiencies. More specifically, their governmental organizations deviate from the British model in two important respects: the single-member, plurality rule principle and the ability of the cabinet to dissolve the legislative assemblies.

Instead of the single-member, plurality rule principle, France, West Germany, Italy, and Japan employ forms of vocational and proportional representation. Because of their great complexity and variety, a full dis-

19 Richard J. VanLoon and Michael S. Whittingham, *A Canadian Political System: Environment, Structure, and Process* (Toronto: McGraw-Hill Canadian Ltd., 1971), *passim*.

20 Hermens, *op. cit.*, pp. 241-242.

cussion of the types of vocational and proportional representation used in these countries is beyond the limits of this brief analysis. However, all of these systems proceed from assumptions about how diverse interests in the electorate should be represented in the national assembly—assumptions that directly contradict English theory and tradition. The argument for proportional and vocational representation runs as follows:

> Social groups of all types and kinds are to be entitled to a share in the seats available in a parliamentary body for no other reason than that they constitute a certain minimum—and at times minute—fraction of the electorate. No one asks these groups to get together with others and establish a common political denominator upon which all citizens could unite. It suffices that they remain what they are, without any thought of a function to be exercised on behalf of the community. . . . In measuring the strength of rival groups the principle of "counting noses" is accepted, and the power of any of them increases in direct proportion to its support in the electorate, no matter from which social or ideological element this support is derived.[21]

Advocates of vocational and proportional representation express the belief that once every shade of public opinion, ranging from the far right to the far left, is seated in parliament, then parliament will be able to integrate the widely differing viewpoints into broad national policies through compromise and accommodation. The majority rule principle assumes the opposite position. It argues that integration must occur before the member takes a seat in the legislature. It promotes integration during the election itself because, as long as the winner is the candidate who receives the greatest number of votes, candidates are encouraged to broaden their position in order to appeal to the largest segment of voters.

Who is right? Experience appears to come down on the side of the single-member majority system. In practice, vocational and proportional representation have produced "representation without integration." The reason for this is basic. Because they represent narrow constituencies, legislators selected by proportionality lack the freedom to compromise and moderate their positions in the legislative body. In short, they are captives of the special interests who elected them, fearful of participating in the formulation of "broad-based" national policies lest their participation result in their defeat in the next general election.

As a consequence, nations using schemes of vocational and propor-

21 *Ibid.*, pp. 201-202.

tional representation tend to elect coalition governments marked, as we have noticed, by instability and inefficiency. These governments are unstable because representatives from the radical right and left often combine with more moderate opposition parties to bring the government down. They are inefficient because they permit—indeed they almost seem to encourage—long delays, logrolling, and the watering down and gutting of legislation—the price for permitting vested interests to form national policy. Moreover, coalition governments are inefficient, since their cabinets are often made up of members from opposing political parties. This has produced divisive, contradictory executive leadership. The experience of France is particularly telling on this point. During the Third and Fourth Republics, cabinet ministers deliberately pursued policies at odds with the government to advance the interest of their own party and to satisfy their own personal political ambitions.[22]

Some political scientists believe that many of the problems which are incidental to the use of vocational and proportional representation might be overcome by strengthening the cabinet's ability to dissolve parliament. In France, West Germany, and Italy, unlike Great Britiain and Japan, dissolution requires consensus by both the cabinet and the legislature. Quite obviously, this practice limits the cabinet's ability to discipline members of the parliament by forcing them to stand for reelection. Other observers, however, question whether dissolution would be an effective weapon in controlling legislators who represent special constituencies, as they do in these countries. Burns, in describing the possible effects of permitting the President to dissolve Congress, presents the following scenario, which seems applicable to situations in the European continental democracies:

> A Democratic President, responding to a majority in his party, and to a majority in his national constituency, calls for a civil-rights program. The Southern Democrats rebel. The President dissolves Congress and calls a special election. The Southerners of course stay in office, probably having won more votes in the special election than ever before as a result of their mutiny. Either the President remains in the White House, more frustrated than ever, or he is replaced by someone who ignores national feeling. . . .
>
> . . . To call an election under these circumstances is simply to confirm the power of the blocs. It is to weaken the Chief Executive who may truly represent majority opinion.[23]

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22 *Ibid.*, pp. 203-205.
23 Burns, *op. cit.*, p. 156.

The conclusion seems inescapable: in the presence of vested interests in the legislative body, dissolution will accomplish little in maintaining discipline. Additional checks must accompany dissolution. In the British system, as we have seen, these checks take the form of denying the mutinous member of Parliament the right to run for reelection under the party label.[24]

Let us return to our original question: What is a parliamentary system? Among those governments recognized as having parliamentary governments, the common thread which links their political systems appears to be found in the fusion between legislative and executive functions. All have cabinets selected from among members of the legislative bodies, and the cabinet is dependent upon the confidence of a majority in the legislative body for its continuance in office. Other factors, such as party strength and loyalty, the principle of majority rule, and the dominance of one legislative chamber, while they may be important in explaining why one system is effective and another is not, are not in themselves crucial to the definition. Essentially, then, a parliamentary system is one which uses the cabinet form of government.

What is meant by the term, "of national government?" This term may be defined in two ways. In one usage, it refers exclusively to the federal government of the United States, its executive, legislative, and judicial branches. Indeed, this definition is accepted in much of the literature on the subject. "Of national government" may also refer to the political institutions of the nation collectively. In this meaning, it encompasses state and local governments as well as the federal establishment. Our present concern with revenue sharing, especially with the ability of state and local governments to provide many of the services now handled routinely by the federal government, gives support to this definition.

What changes are necessary to transform the United States into a parliamentary democracy? Before attempting to answer this question, it will pay us to review the structure of our American system. Let us begin by noting that the foundation of our government was laid in an atmosphere of profound fear and distrust of power in any form. Their experience with the colonial governors had led most of the founding

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24 In American Party of Texas *et al.* v White, Secretary of State of Texas, 94 S.Ct. 1296 (1974), the United States Supreme Court appears to suggest that a political party in the United States has the legal right to deny candidates the right to run under its party label. See Washington *Post*, March 27, 1974.

fathers to view executive power with deep suspicion. By the same token, many of the delegates to the Constitutional Convention feared legislative power, which they felt could be manipulated by mobs and factions. It is perhaps only natural, under the circumstances, that they based the new government on a doctrine of separation of powers. By creating an executive independent of the legislature, they hoped to check power with power, thus preventing either the President or the Congress from becoming tyrannical and jeopardizing the freedom of the people. The Constitution, as they shaped it, provides explicitly for a clear-cut separation of powers between the legislative and the executive branches. It attempts to keep these branches separate not only by specifying the duties of each, but also by elaborating a complex set of checks and balances which arm each branch against usurpation by the other. Their independence is further insured in other ways. The President and members of the House of Representatives and Senate are elected in different ways for different terms of office and are responsible to substantially different constituencies. Aside from "impeachable offences," the President cannot be held responsible by Congress for actions he takes as the chief executive, nor can he dissolve Congress. Finally, the Constitution prohibits individuals from serving in Congress and the executive branch at the same time.[25]

In this movement toward separation, political necessity and socio-economic circumstances have completed what the Constitution leaves unsaid. The committee system in Congress, the growth of a vast federal bureaucracy, the emergence of quasi-legislative regulatory agencies, to mention only a few of the forces, have reinforced the independence of the two branches until today we have a "presidential" (or "presidential-congressional") government, as distinguished from a parliamentary system.

Proposals to change the United States into a parliamentary democracy are generally of two types, both requiring sweeping constitutional reforms. The first would restructure the system by making the President and his cabinet responsible to Congress. Thus, as in the British model, Congress could oust the chief executive through a vote of no confidence. One of the earliest statements of this plan was made in 1935 by William Yandell Elliott. Elliott called for direct election of the President (aboli-

25 A full discussion of this point can be found in any standard textbook on constitutional government or comparative government. The reader should also examine the *Federalist* papers, nos. 47-51 and *The Antifederalists*, Cecelia M. Kenyon, ed. (Indianapolis, Ind.: The Bobbs-Merrill Company, 1966), Vol. II, pp. xxxix-xlix.

tion of the electoral college), a four-year term for members of the House of Representatives, and substantial reductions in the power of the Senate. Once during each four-year term the President could dissolve the House (presumably following an executive-legislative deadlock) and call for new congressional elections. If he suffered defeat in the elections, he might resign.[26] Henry Hazlitt modified Elliott's proposal in the early 1940's by suggesting that Congress be impowered to vote a lack of confidence in the President. Following such a vote, the President would either resign or dissolve Congress. New congressional elections would be held. If the President failed to gain a majority in the new Congress, he would be forced to resign, and Congress would choose a new chief executive.[27]

The second proposal would fuse legislative-executive responsibilities by creating an executive-legislative cabinet. This plan would remove the constitutional prohibition against federal officials serving simultaneously in Congress and in the executive branch, thus permitting the chairmen of congressional committees to head executive departments. In fully developed form, this approach would call for:

1. Simultaneous election of the President and members of Congress for the same fixed term, four or six years.

2. An executive-legislative cabinet with members serving in both branches or a joint cabinet made up of members of Congress and the executive.

3. Giving the President the right to dissolve Congress in the event that (a) systematic opposition developed in Congress to policies formulated by the executive-legislative cabinet or (b) deadlocks occurred in the joint legislative-executive committee.

4. New general elections for all elective officials following a decision by the President to dissolve Congress.[28]

The proposals have two points in common. First, they reverse the historic pattern of executive and legislative independence by associating the two branches more closely in the formulation of national policy. Second, they reinforce this association by constitutional changes which would modify significantly the separation of powers doctrine. The second

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26 William Yandell Elliott, *The Need for Constitutional Reform* (New York: Whittlesey House, 1935), pp. 27-40.

27 Henry Hazlitt, *A New Constitution Now* (New York: Whittlesey House, 1942), pp. 8-10.

28 This particular approach was developed in detail by Thomas K. Finletter in 1945. See, Thomas K. Finletter, *Can Representative Government Do the Job?* (New York: Harcourt, Brace and Company, 1945), *passim*.

is of fundamental importance to any plan for introducing parliamentary government into the United States. Without extensive constitutional alterations, it is doubtful that permanent legislative-executive fusion would occur. Hermens explains the problem:

> The difficulty lies in the strong and persistent forces which drive the executive and legislature apart . . . These forces are deeply imbedded in the theory . . . [and] practice of the separation of powers. . . . [T]he executive and legislature are *supposed* not only to be different from one another, but to *oppose* one another. . . . The two branches of our government have different origins and different functions, none of the vital forces connected with their constitution or operation tends to pull them together.[29]

The distinction that must be made, Hermens continues, is between *simple reforms* and *major reforms* (such as adoption of a parliamentary system). Simple reforms accept the fact and validity of separation of powers and attempt to modify governmental practices within the terms prescribed by that system. Major reforms, on the other hand, see separation of powers as the inherent cause of many of the problems within our government and attempt to treat the problems by modifying the cause.[30]

On this basis, we would conclude that legitimate plans for parliamentary government in the United States must include, at minimum, structural changes, that is, significant modifications of the separation of powers system which would foster legislative and executive fusion. By this definition reforms which aim at curbing abuses or correcting weaknesses within either branch of government—reform of the committee system in Congress, for example, or changes in the nature of regulatory agencies—even though they may tend to associate the Presidency more closely with Congress, are not plans of parliamentary government, since they still assume the principle of separation of powers.

The Advantages of Parliamentary Government

In general, proponents of parliamentary government claim that the "presidential-congressional" system is incapable of promoting the interests of the majority. Both in structure and operation, they claim, the system favors minority views. Historically, this charge has been leveled most frequently against Congress. However, in recent years it has been

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29 Hermens, *op. cit.*, p. 460.
30 *Ibid.*, pp. 459-464.

extended to include the executive branch and the federal regulatory agencies. Let us examine the case against Congress first.

William J. Keefe and Morris S. Ogul write in *The American Legislative Process: Congress and the States*:

> . . . Much of the dissatisfaction with the Legislature traces to its excessive parochialism—the tendency of legislators to look only to their home districts for guidance, to defer to the claims made by individuals and organizations which help comprise their individual constituencies, and to treat indifferently matters of national . . . significance. Thus among the groups to which the legislator belongs and to which he defers, those which are based at home [interest groups and the constituency political organization, especially the former] have first claim on him. Theirs may be the only claims which are heard.[31]

As a consequence, they continue, "[t]here are not many major pieces of legislation which pass through Congress without being shaped to confer special advantage on certain interests."[32] In *Congress on Trial*, Burns describes in graphic detail how members of Congress have blocked, delayed, gutted, watered-down, and generally subverted national legislation in order to gain advantages for special groups within their constituencies.[33]

Powerful incentives motivate a majority in Congress to place constituency interests above national needs and aims. By yielding to pressure groups and special interests "back home," the senator or representative greatly enhances his chances to win reelection. In this, he has everything to gain and very little to lose. "He wears the party label whether the party likes him or not," and the national party is seldom of very much direct help to him in a campaign; indeed, being too closely identified with his party, especially when it is championing national positions which conflict with important interests in his state or district, may actually cost him the election. With the cards stacked in this fashion, only a few legislators are willing to place national needs and objectives ahead of constituency interests. Most prefer to "play it safe."

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31 William J. Keefe and Morris S. Ogul, *The American Legislative Process: Congress and the States*, Second Edition (Englewood Cliffs, N.J.: Prentice-Hall, 1968), p. 493.

32 *Ibid.*

33 Burns, *op. cit.*, pp. 67-97. See, also, "The Washington Lobby: A Continuing Struggle to Influence Government Policy," *Congressional Quarterly*, Spring 1973, pp. 91-101; Susan Welch and Eric H. Carlson, "The Impact on Voting Behavior in a Nonpartisan Legislature," *American Political Science Review*, September 1973, pp. 854-867; and Grant McConnell, *Private Power and American Democracy* (New York: Alfred A. Knopf, Inc., 1966), *passim*.

In advancing the narrow, parochial views of his constituents, the legislator is armed with a formidable arsenal of weapons whose use is made possible because of the structure, organization, and operations of Congress. First, the structure of both houses encourages—indeed, may promote—minority domination. Historically, because most legislators have viewed themselves as spokesmen for the particular interests of their section, state, or district instead of representatives of the nation as a whole, as in the British system, power has remained fragmented and diffused. As a consequence, an organized force for the expression of majority views has never crystallized on a continuing and consistent basis. Complaining of this fact, Woodrow Wilson remarked: "No one stands sponsor for the policy of the government. A dozen men originate it; a dozen compromises twist and alter it; a dozen offices whose names are scarcely known outside of Washington put it into execution."[34] And the condition has altered very little since Wilson's day, as Keefe and Ogul reveal in the following passage:

> Because . . . [parties are] not equipped to mass persistent majorities, responsible rule goes by default. Effective power comes to rest with transient biparty majorities. . . .
>
> Whatever may be the advantages of coalition rule and majority-by-logrolling—and it is difficult to attribute more to them than unadorned expediency—they are not consonant with the idea of responsible party government. At no point in the political process are these combinations accountable for their behavior. Never required to produce a platform, or to campaign on a collective program, or to submit their record to the voters, coalitions can work their extravagancies without significant restraint. In only the vaguest sense can it be said that the public is able to take account of what they do, approving or rejecting it. . . .
>
> The integrity of government is inherently vulnerable to outside groups and private connivance. Its vulnerability derives from the separation of power and responsibility. If policy belongs simply to those who exert the most influence, whether in dark corners or on the public stage, the autonomy of the legislature is narrowed, its claim to speak for the people as a whole is vacated.[35]

Second, minority domination is enhanced by the committee system in Congress. Some observers have likened committees in the House of

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34 Woodrow Wilson, *Congressional Government*. Fifteenth Edition. (Boston: Houghton Mifflin Company, 1900), p. 318, quoted in Burns, *op. cit.*, p. 147.
35 Keefe and Ogul, *op. cit.*, p. 497.

Representatives to "little legislatures" which use their power to advance the special interests of the committee's members. Congressmen, quite naturally, seek appointment to committees which touch on the vital affairs of their constituencies. As a result, committees are composed principally of congressmen with vested interests in the matters the committees handle. Even a casual survey of the composition of present Senate and House committees confirms this fact. Members of the House Merchant Marine and Fisheries Committee come from the coastal states and from states bordering the Great Lakes, agricultural committees in both the House and Senate draw their members largely from the so-called farm bloc, and so it is with virtually every other committee in Congress.[36]

In addition, these committees frequently are headed by representatives and senators so powerful that they can defy the President, congressional leadership, and public opinion with impunity. Products of the seniority system which dictates that heads of committees will be chosen from among the members of Congress with the longest uninterrupted length of service, they often are blatantly candid in their espousal of minority interests. The late United States Senator Harry F. Byrd of Virginia, for many years chairman of the Senate Committee on Finance, boasted in 1960:

> My allegiance is to Virginia where the people have elected me six times to the United States Senate. . . . I recognize no control over my votes in the Senate from any outside influence including the Democratic national convention and a caucus of my Democratic colleagues in the Senate.
> . . . As a Member of the Senate, I am under oath to support the Constitution of the United States. This I have done. Every president of my time has had my full support when there was need for strong national defense and when there was need for national unity in international crises. Beyond this, my unqualified allegiance to the people of Virginia has been preserved, and it will be. I know their principles. I have confidence in their judgment as to what is good for the country. I have followed their will . . . in the past, and I shall conform to it in the future.[37]

When he is of the mind to do so, the capacity of a committee chairman to thwart the will of the majority in Congress as well as the nation is almost unrestricted:

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36 An excellent discussion of this phenomenon is found in V.O. Key, Jr., *Politics, Parties and Pressure Groups*, Fourth Edition (New York: Thomas J. Crowell Company, 1958), pp. 720-722.

37 Letter from Senator Harry F. Byrd to Senator Joseph S. Clark, December 9, 1960, quoted in Keefe and Ogul, *op. cit.*, pp. 494-495.

> ". . . [He] arranges the schedule of work and the agenda of committee meetings. . . . [He] parcels out the personnel of subcommittees and determines the scope of their work. [He] or [his] subordinate chairmen of the subcommittees report to Congress *on decisions for* legislation and manage the floor debates in defense of such decisions. In these debates the committee chairman's work carries great weight because the subject is his peculiar province. In effect, the committee chairmen are able in large measure to dictate what proposals for legislation may be considered by Congress. . . ."
>
> The chairmen have a decisive vote in determining how policies will be considered; inevitably they have great influence on the policies adopted.[38]

These powers translate into the practical ability of committee chairmen to bottle up legislation by refusing to report it to Congress or to reshape it beyond recognition by the majority. A full discussion of the tactics and stratagems open to the committee chairman is beyond the scope of this study; however, they are well described and documented in works such as *Congress on Trial*.[39]

Third, the rules and procedures governing parliamentary debate and discussion in both houses of Congress permit obstruction-minded representatives and senators to deadlock the government. Chief among these is the filibuster. Justified by some on the grounds that it is necessary to protect minority rights, it has been used on innumerable occasions by individuals and groups to frustrate the majority will. In addition to the filibuster, obstructionists can resort to the use of a myriad of dilatory parliamentary maneuvers—endless points of order and appeals to the chair, the introduction of irrelevant business, and unnecessary quorum calls, to mention only a few—in order to tie up legislation for long periods of time.[40]

Fourth, minority domination of national policy is advanced through congressional oversight of the executive bureaucracy. In approaching this aspect of legislative activity, it is important to understand that the Constitution does not clearly specify who shall control executive departments, the President or Congress. As a consequence, both branches have engaged in a historic struggle for control of the administrative agencies of the government. To the extent that Congress succeeds in

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38 Burns, *op. cit.*, pp. 57-58.

39 *Ibid.*, pp. 67-97. See, also, McConnell, *op. cit.*, pp. 91-118.

40 Committee for Economic Development, "Making Congress More Effective" (New York: Office of Economic Development, 1970), pp. 52-59. See, also, Burns, *op. cit.*, pp. 61-66. Both works recommend procedural reforms.

assuming executive functions, it makes the bureaucracy, in the words of V. O. Key, into "a marketplace where individuals and factions bargain away the national welfare for sectional and parochial gain."[41]

What means does Congress employ to control the bureaucracy? Essentially, they are four in number: (1) direct policy making, (2) hiring and firing, (3) investigations, and (4) appropriations.

As lawmaker for the nation, Congress directly controls the federal bureaucracy through its power to enact, revoke, limit, and amend the laws under which administrative agencies must operate. Enacting legislation may be of a highly detailed and specific nature which narrowly limits the activities of an agency. Or it may contain provisions which allow Congress to terminate an act whenever it deems necessary. In either case, Congress generally withholds for itself a great deal of power over administrative matters when it legislates.

Congress exercises an indirect control over administrative affairs through its ability to influence the selection of executive officials. This power is immediately evidenced in the case of first-line personnel whose appointments require congressional approval, and Congress even strongly influences the selection of second-level administrators, those not requiring congressional confirmation. This is done through the practice of "senatorial courtesy," a tradition which permits senators and representatives to participate in the naming of federal officials in their states and districts. Control over administration is furthered by the ability of Congress to force the resignation of executive officials by criticizing them publically or by threatening them with impeachment.

Congressional investigations also give the legislature a powerful voice in shaping administrative policy and practices. Burns observes:

> Administrators dread investigations: the time lost, the disruption of administrative routine, the certainty that some lapses will come to light, the likelihood that the agency will end up being suspect even if it is exonerated of the major charges brought against it. Many of them prefer to make changes in their policies or even in personnel to head off such an enterprise. Thus the mere threat of investigation becomes a form of executive control by congressmen.[42]

The most potent form of control emerges from the appropriation process in Congress. At this point, let us note that Congress operates

41 V. O. Key, Jr., "Legislative Control," in *Elements of Public Administration*, edited by Morstein Marx (New York: Prentice-Hall, Inc., 1946), p. 339, quoted in Burns, *op. cit.*, p. 100.

42 *Ibid.*, p. 102.

through two types of committees, legislative and appropriative. One sets policy; the other provides funds for carrying out policy. The two act quite independently of one another. Simply because a policy is enacted into law is no guarantee that money will be made available to implement the law. In effect, the appropriation committees exercise a veto over legislation. But further, the appropriation committees hold a powerful check on administration in the executive branch. By threatening to withhold or decrease funds, or by attaching strings to appropriations, the committees can influence an agency's activities in almost every particular—personnel, projects, and policy. Over the years, Congress has used this weapon extensively and with telling effect. Indeed, it lies at the heart of many of the problems in the American system of government.[43]

The ability of Congress to intrude itself into administrative matters creates enormous stresses in the federal bureaucracy. Their loyalties divided, forced frequently to serve two masters, the agencies become inefficient and unresponsive: "The President's marching orders encounter inertia, failures of communication, traditionalism, . . . the criss-crossing of authority stemming from informal organization, group solidarity and parochialism, excessive allegiance to clients and supporters."[44] In addition, the struggle between Congress and the chief executive for control over the bureaucracy permits agencies to play one branch off against the other with the consequence that the bureaucracy develops a momentum of its own. It becomes a fourth branch of government made up of non-elective officials who may serve the masters of special interest.[45]

Legislative control over the federal bureaucracy is magnified by omnibus legislation and general appropriation measures. These stratagems permit Congress to put a large number of diverse items into one general package. Since the Constitution prohibits the President from using "line vetoes" (vetoing one part of a bill), he must either accept undesirable portions of a bill or risk losing entirely legislation he considers vital and necessary. The same end is accomplished by the mechanism of attaching riders (a provision which is irrelevant to the intent of a piece of legislation) to a bill.

The proponents of parliamentary government view Congress, then,

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43 Committee for Economic Development, *op. cit.*, pp. 21-40. For a fuller treatment consult any standard textbook on the structure of American government.

44 Burns, *op. cit.*, p. 113.

45 *Ibid.*, pp. 115-116.

as a tool for advancing and protecting minority interests. Its structure has encouraged the fragmentation of power into "mini-governments," its rules have promoted control by spokesmen for vested interests, and its practices have created inefficiency and unresponsiveness in the nation's administrative agencies.

What is the case against the President? Essentially, critics of the Presidency complain that the office is made to depend too much on the personality of the man who holds it, rather than on institutional structure and organization. As we have seen, the President and Congress represent two different constituencies. The former is virtually the embodiment of the majority will; the latter speaks for minority interests in our pluralistic society. Because of separation of powers, neither is able to advance its constituency interests without the assistance of the other, yet neither is willing to make the trade-offs that such assistance may demand. As a consequence, the struggle between the White House and Capitol Hill may be accurately characterized as open warfare, with one branch attempting to dominate the other. We have already viewed the awesome powers of Congress. In the hands of strong men, the power of the Presidency is no less. It has been described as

> . . . a weapon capable of infinite good or infinite evil, depending largely on the sagacity of the wielder. In domestic exigencies it can mean presidential near-dictatorship under the Executive's emergency powers; in a world crisis it can mean war. In either case the people may be presented not a choice, but a *fait accompli*.[46]

Unsure of ever having majority control because of the shifting coalitions in Congress and distrustful of agency heads whose loyalties may lie with the chairman of a powerful congressional committee, the President may seem to chart a course which tends toward "one-man" rule. He may attempt to by-pass Congress by using dubious, extralegal means such as impoundment of funds (used by the Nixon Administration) or initiating policies by executive decree (used extensively by Franklin Roosevelt during the depression and World War II). He may go over the head of Congress and appeal directly to the people. He may downgrade the historic executive departments and attempt to govern with special assistants and special agencies, such as the National Security Council. He may attempt to destroy the political base of his opponents by wooing away the special interests which form that base. He may at-

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46 *Ibid.*, p. 190.

tempt to shape government policies and practices by withholding vital information. In the long run, these practices can be just as destructive of the democratic process as any of the congressional activities described above.[47]

Since the problems of the Presidency and Congress are linked to the separation-of-powers principle, which determines that the branches will be independent and will check each other, advocates of parliamentary government believe any reforms short of a radical overhauling of the system itself will not solve the problems. Congress will never consent to reform itself, they argue, because meaningful reforms would destroy the power base of its members. Noting that the Legislative Reform Act of 1946 decreased the number of standing committees in Congress from 81 to 34, but that by 1955 the number of committeees and subcommittees had grown to 185, Hermens concludes:

> This experience would seem to demonstrate that it is difficult, indeed, to provide for the proper leadership within Congress. . . . Leadership by committees is natural to a parliament lacking an organic connection with the executive. Its members are ever jealous of their equality, resembling in this respect the aristocratic parliaments of the past. Thus, they tend to minimize the prerogatives of any overall leadership. . . .[48]

For the same reason, joint legislative-executive committees would probably be circumvented by members in Congress. So it is with nearly every structural reform aimed at limiting the independence of either branch, for example, proposed Constitutional amendments to permit the executive to use the line veto or to alter the length of terms and times of election for members of Congress. Given the forces which drive the two branches apart and pit them against one another, many believe that it would be only a matter of time until new mechanisms would be created to restore the historic divisions.

The Disadvantages of Parliamentary Government

Opponents of adopting a parliamentary system of government in the United States generally reject the proposal as being unworkable. While

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47 *Ibid.*, pp. 163-192. This study has drawn extensively from Burns' book, which the writer considers, despite its age, to be the most incisive statement ever made. See, also, National Academy of Public Administration, *Watergate: Its Implications for Responsible Government* (a report prepared by the academy at the request of the Senate Select Committee on Presidential Campaign Activities), March 1974.

48 Hermens, *op. cit.*, p. 458.

the nation might authorize the change by Constitutional amendment. the degree of legislative-executive fusion which would be required to replicate the British model in this country, they claim, would never occur, given the present state of American political parties.

The British system works, the argument continues, because of strong, highly disciplined parties, not because of any inherent structural features of parliamentary government. It is the party system that produces majority governments in the English Parliament; it is the party system that maintains support of the government. Subtract the strong, cohesive British political parties, and parliamentary government in England would not operate in the efficient, responsive manner it displays today.

Without this sense of party loyalty and discipline, parliamentary government in the United States would conform much more closely to the French system than to the British model. As we have discovered, the multi-party nature of French politics has produced coalition governments characterized by extreme instability and unresponsiveness to the majority will. This occurs because legislators in France commonly represent narrow, special interest constituencies. As a result, a premium is placed on logrolling, deals, and trade-offs in the French Assembly, as each legislator attempts to gain maximum benefits for his constituents. Since the American legislator, like his French counterpart, views himself principally as a spokesman for the particular interests in his state and district, the conclusion that parliamentary government in the United States would be synonymous, as it is in France, with coalition government seems almost inescapable. The cabinet would never be sure of a consistent majority in the legislature. Under these circumstances, either the cabinet would fall and instability would ensue or, perhaps more likely, the cabinet would be forced to govern by compromise and conciliation, in which case the voice of the minority would doubtless still be dominant.[49]

Would the threat of dissolving Congress enable the President and his cabinet to force compliance with broad-based national policies? To reduce the matter to the essentials: Is the threat of forcing a congressman

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49 An interesting discussion is found in Barbara Hinckley, "Coalitions in Congress: Size in a Series of Games," *American Politics Quarterly*, July 1973, pp. 339-358. The classic debate over party government in the United States is found in the *American Political Science Review*. See "Toward a More Responsible Two Party System," *American Political Science Review*, September 1950, pp. 1-14 and Julius Turner, "Responsible Parties: Dissent from the Floor," *American Political Science Review*, March 1951, pp. 143-153.

to undergo "a risky, costly and arduous campaign" sufficient cause for him to abandon his support of special interest groups within his constituency? The realities of the American political process almost preclude this possibility. Assume that a congressman supports the cabinet's program, even though it is unpopular back home. In a very real sense, he is merely delaying the inevitable. He knows that one day he must stand for reelection against a rival who will speak for local sentiments, and that he will run the risk of losing. When confronted by this choice, most congressmen would probably accept dissolution, return to their home states and districts to campaign against the cabinet's policies, and return to Washington victorious with a mandate to force the President's resignation.[50]

In addition, the fact that the President and Congress are responsible to different constituencies would make cabinet government unworkable in the United States. If the cabinet were made up of members of Congress, the present tendencies of committee chairmen to amass power through their protection of special interests would only be magnified. Indeed, the possibility of introducing the evils of the French cabinet are very real. Powerful cabinet members would openly disagree with the President; they would chart courses for their departments inconsistent with general government policy, or they would attempt to advance their own political goals by scheming to bring about the downfall of the government.[51]

Opponents of parliamentary government ground their case in another argument that deserves special attention. First, they contend that parliamentary systems are incompatible with the pluralistic nature of American society. Our system has developed in its present form from the need to contain the pressures generated by an incredibly heterogeneous population made up of groups deeply divided religiously, ethnically, and racially, and separated in economic and political outlook by geographical factors associated with a continental land mass. We have weighted our governmental institutions in favor of minority rights because our nation consists of minorities. Historically, our pluralistic society has forced us to accept government based on compromise, accommodation, and decentralization because the alternatives would only have served further to divide the American nation. Keefe and Ogul observe:

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50 Burns, *op. cit.*, pp. 155-157.
51 Hermens, *op. cit.*, pp. 264-284.

> . . . [L]egislatures [in the United States] . . . perform . . . about as well as can be expected in a pluralistic system. If the legislature is weak, it cannot easily advance arbitrary and pernicious innovations. If the diffusion of legislative power makes it perplexing to fix responsibility, it also makes it difficult to undo the accumulation of traditional habits and arrangements. If legislative procedure makes it difficult for the majority to work its will, it also assures the minority of its right to be heard. If legislators subordinate broad interests to provincial ones, they nonetheless make government responsive to local needs and viewpoints. . . .[52]

Canada is often pointed to as proof that parliamentary government is not inconsistent with pluralism. The difference between Canada and the United States is one of degree, not kind, the critics allege. Because of her relatively small population and large land area, Canada has not experienced the stresses that have built in the United States. When Canada reaches its last frontier, as the United States did in the 1890's, and population density reaches a critical mass, then, they predict, parliamentary government in Canada will be put to the real test.[53]

II. Resolved: *That the United States Should Significantly Change the Method of Selecting Presidential and Vice Presidential Candidates*

Judith H. Parris of the Brookings Institution observes in her landmark study, *The Convention Problem: Issues in Reform of Presidential Nominating Procedures*:

> While neither omniscient nor omnipotent, the President is the most important single figure in U.S. politics. The Democratic and Republican conventions are formal arenas when the range of presidential candidates with a chance of winning is narrowed from perhaps a dozen to two. This is one of the most decisive choices in the nation's politics, sometimes more important than the November election. Amending the ground rules of convention contests might mean changing the constituency of the presidential nominee. Such a change, in turn, would affect who was nominated, who was elected, and what the person who captured the presidency could and could not do once in office.[54]

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52 Keefe and Ogul, *op. cit.*, p. 476.

53 An excellent analysis and description of Canadian government is found in *Encyclopedia Canadiana*, Vol. IV (Toronto: Grolier of Canada Ltd., 1971), pp. 396-416.

54 Judith H. Parris, *The Convention Problem: Issues in Reform of Presidential Nominating Procedures* (Washington, D.C.: The Brookings Institution, 1972), p. 3.

In recent years, a number of changes have been suggested for altering the method by which we pick our presidential and vice presidential nominees. They range from basic reforms of the convention system to selection by a direct presidential primary. In this section, we shall consider the pros and cons of these measures. Let us first attempt to define the terms of the proposition.

Definitions

United States. This term refers to the agency which will be responsible for making the change called for in the resolution. It is left deliberately vague because the proposition permits the affirmative to choose from among a number of new methods which, in turn, involve radically different agencies. If the change were to require national legislation, for example, a national system of direct primaries, then the agent would be Congress and the term *United States* would be interpreted in that sense. If, on the other hand, the change required reforming the methods employed by political parties in selecting delegates to their national convention, then the agency might be the parties themselves, and that would be the meaning of *United States.*

Should significantly change. As used in the proposition, the word *change* requires the affirmative to offer a new method of selecting presidential and vice presidential candidates which in form, nature, and/or content is fundamentally different from the method now in use. In the debate context, it is helpful to think of change as involving the substitution of one policy system for another. Thus a direct primary might be substituted for the present convention system, or party nominees might be selected by congressional caucus, thus eliminating the need for conventions and primaries all together. The qualifying term, *significantly,* is defined in *Webster's* as "important, with consequences." Some clue as to what is important (significant) with respect to presidential-vice presidential candidate selection is discovered in the passage quoted above from *The Convention Problem.* Here, Parris would consider any change in convention procedures significant which altered "the constituency of the presidential nominee," because this would have the consequences of affecting "who was nominated, who was elected, and what the person who captured the presidency could and could not do once in office."

Method of selecting presidential and vice presidential candidates. Overall, this phrase describes a system for choosing party nominees for the office of President and Vice President. When used in a political sense, the word *method* is interchangeable with the word *system,* that is,

"a plan of action which operates in accordance with established rules and procedures." *Selecting* is choosing. In the pre-election period, it would consist of culling out from a large number of aspirants the individuals the party wishes to have as its presidential and vice presidential nominees. *Selecting* and *electing* are two quite different processes. In his monograph, "Presidential and Prime Ministerial Selection," Hugh Heclo draws the distinction in the following way:

> By "selection" I mean the initial picking out from a group (the Latin *seligere*, to separate by culling out); "election" . . . [refers] to the effective choosing by vote for office (*eligere*, to choose). Election is thus a clearly delimited public act, defined procedurally by voting, while selection is a vaguer form of private choice that may be carried out by a variety of procedures; selection results in nomination to office, election in the holding of office. One of the most common confusions in the popular conceptions of the presidency . . . is the identification of the election, and its attendant campaign activity, with the prior selection process.[55]

This distinction raises an interesting point of interpretation which should be dealt with here. Would an affirmative team be propositional (on the topic) if its plan consisted of changing *the method of electing* the President and Vice President in a way that resulted in a significant change in the *method of selecting* presidential and vice presidential nominees? For example, an affirmative might argue that the electoral college system of electing the President gives disproportionate weight to votes from small, sparsely populated states. This, in turn, skews delegate representation in the nominating conventions. By replacing the electoral college with a plan of direct election of the President by the people, the argument would continue, the nominating convention would become more democratic because the need would no longer exist to overweight representation from the smaller states. Assuming that the proper causal relationships can be established (and the case does go "around Robin Hood's barn" to accomplish what might be accomplished more directly), the writer sees no barrier from the standpoint of topicality in using the approach. The proposition does not specify the type of change—direct or indirect—that must be made, but only its consequences—a new method of candidate selection. An indirect approach that accomplishes this end would therefore be quite legitimate. Indeed, the approach simply makes use of the principle of counteracting causes in argumentation theory.

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55 Hugh Heclo, "Presidential and Prime Ministerial Selection," in *Perspectives on Presidential Selection*, edited by Donald R. Matthews (Washington, D. C.: The Brookings Institution, 1972), p. 21.

Justification for Changing the Method of Candidate Selection

Criticisms of the convention system. In general, the present method of selecting presidential and vice presidential candidates is the convention system. In recent years, the nominating conventions of both parties have been subjected to mounting criticisms. Essentially, these criticisms argue that conventions are unfair and undemocratic. In their apportionment of votes, in their selection of delegates, and in their procedural rules and methods of deliberation, conventions stack the deck against significant elements in our population. It is extremely difficult to analyze these charges, because since 1968 both parties have responded to calls for reform which are modifying their convention systems dramatically.

Criticisms directed toward the apportionment system claim that the nominating conventions do not accurately reflect the candidate preferences of the rank and file in the party. How do the parties now apportion votes in their conventions? The Republicans use the following formula (1, 347 total in 1972):

1. Each state receives four delegates at large.
2. Each state receives two additional delegates at large for each congressman at large.
3. Six additional delegate votes at large are given to each state that in the last election cast a majority of its electoral votes for the Republican presidential ticket or elected a Republican United States senator or a Republican governor or a delegation to the House of Representatives that was more than half Republican.
4. One district delegate to each congressional district that cast at least 4000 votes for the GOP presidential ticket in the previous election or for the Republican nominee for Congress in the preceding congressional election.
5. An additional district delegate to those congressional districts that cast at least 12,500 votes for the Republican nominee for either the presidency or the House in the last election.
6. The District of Columbia, Puerto Rico, the Virgin Islands and Guam will have nine, five, three and three votes respectively.[56]

In this formula, the Republican party attempts to balance out state sovereignty (electoral vote), population, and party voting. Opponents of the formula within the Republican party claim that it discriminates against more populous states and their people. Led by the Ripon Society,

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56 Quoted in Parris, *op. cit.*, pp. 21-22.

this faction has brought court action to force the party to adopt a new reapportionment formula which would allot 60 per cent of the vote on the basis of a state's Republican presidential vote in the previous election and 40 per cent on the basis of a state's electoral vote.[57]

It is much more difficult to describe the Democratic party's pattern of appropriating votes in its convention. Unlike the Republican party, whose formula has remained relatively stable, the Democratic party has changed its system substantially from election to election. Yet, overall, it indicates a trend toward giving greater weight to party voting than to state sovereignty or population. In 1972, 475 votes (15.7 per cent) of the 3,016 convention votes were allocated on the basis of state sovereignty (a state's representation in the electoral college), 1,155 votes (38.3 per cent) were distributed according to population, and 1,386 (46 per cent) were given to reward party loyalty in the previous election.[58]

The Republican and Democratic methods of apportionment differ radically. Population is much more important for the Republicans; party voting is more important for the Democrats. However, neither party, it is claimed, has developed a fair and democratic procedure. What would be fair and democratic? Parris outlines one view in *The Convention Problem*:

> The convention should be representative of the party's presidential constituency—both those who have voted for its past nominees and those who might vote for its future candidates. In terms of apportionment, this principle means that each state's votes should be allocated partially on the basis of its past presidential voting record and partially according to population. The exact ratio . . . might vary somewhat; the simplest solution would be to apportion half the votes on the basis of party voting and half for population.[59]

In addition to balancing out population and party, the basic reform, then, would consist of eliminating votes given on the basis of state sovereignty. Representation in the electoral college would no longer be a factor in determining representation in the convention.

Criticisms of delegate selection. At the present time, delegates to the two national conventions are chosen in one of three ways: by appointment, conventions, or primaries. Of these, the convention method is favored by both parties, although a trend is developing toward select-

57 *Ibid.*, p. 21.
58 *Ibid.*, pp. 27-34.
59 *Ibid.*, pp. 177-178.

ing delegates in primary elections (22 states and the District of Columbia now use primaries).[60]

The appointment method is under heaviest attack because it lodges power in the hands of state party leaders who may not be responsive to the presidential preferences of the rank and file in their states. Thus the appointment method may permit control of the nominating process by special interest groups and minority interests. To a lesser extent, the same criticism is made of state nominating conventions. In the past, presidential aspirants who were not front runners in given states have captured state and local party leaders who, in turn, have successfully delivered the conventions to them.[61]

Most authorities agree that delegate selection through primary elections is the fairest and most democratic way of determining the composition of the national convention. In the past, however, primaries in many states have been marked by serious imperfections. Outcomes of primaries have been distorted by devices such as proxy voting and the "winner-take-all unit rule." Both of these militate against the standards for apportioning votes described above. The chief difficulties with primaries run deeper than their procedural problems would suggest. Gerald Pomper in *Nominating the President* expresses the criticism in the following terms:

> Primaries have exhibited some weaknesses. While some additional candidates have been considered, others have probably been excluded by the system of primary elections. Success in the primaries requires an appealing personality, a national reputation, great financial resources and prodigious effort. Candidates who are more reluctant, more obscure, poorer, or simply older than others, may be denied nominations. The qualities that make great Presidents are unclear, but it is doubtful that they consist largely of personality, reputation, wealth and physical vigor.
>
> Moreover, primaries have other effects that are not entirely beneficial to the political system. Factional conflicts are increased in these contests, making it more difficult to unify the party and to present a coherent posture to the electorate. The arts of compromise and moderation, essential to a democratic leader, are de-emphasized. Thus, those who are most successful in primary campaigns may not have some of the basic qualifications for success in office.[62]

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60 James W. Davis, *Presidential Primaries: Road to the White House* (New York: Thomas Y. Crowell Company, 1967), pp. 30-41.

61 *Ibid.*, pp. 23-24.

62 Gerald Pomper, *Nominating the President: The Politics of Convention Choice* (Evanston, Ill.: Northwestern University Press, 1966), p. 114.

Finally, the criticism is made of current methods of selecting convention delegates that they do not provide for demographic representation. Traditionally, delegates have been white, male, and over thirty; very few delegates are representative of the non-white and other minority groups in our society. Both parties have attempted to work reforms in this area. They have encouraged increased minority representation at their conventions by easing the financial burdens on the delegates and removing some rules which frankly discriminated. The problem may be irremedial, however, in the present system. How can the convention insure that the delegation simultaneously will reflect the presidential preferences of the party rank and file and be a perfect microcosm of the state's population or of its party voters? The two goals appear to be contradictory in purpose and intent.[63]

Criticisms of the convention's rules and procedures. The political convention, it has been remarked frequently, is America's most peculiar institution. It brings together a heterogeneous group of citizens, most of whom are unskilled in legislative and deliberative procedures, and requires them in the shortest period of time to resolve questions of momentous importance, not the least of which is the selection of the man who may be elected to govern them for four years. And all of this goes on in full view of millions who watch the proceedings of the convention on television or listen to its activities on radio.

Under these circumstances, it may be nearly impossible for the convention to achieve the twin goals of being open and democratic and, at the same time, efficient and organized. Yet both goals must be achieved before the convention can project to the viewing and listening public an image of unity, competency, and strength of purpose. Failure to achieve either goal may result in defeat in November. Many experts now believe that the 1968 Democratic convention, with its bitter factional battles, was a significant factor behind the defeat of the Humphrey-Muskie ticket.

Difficulties in achieving these goals are aggravated by the size of the convention, the short period of time that it meets, the near impossibility of keeping the delegates informed, and the natural tensions between rules which promote efficiency and rules which foster free and open discussion. While reforms can be achieved in each area, it may be virtually impossible to neutralize their adverse effects on public opinion. As a consequence, the convention will continue to exert an undesirable

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63 Parris, *op. cit.*, pp. 74-77.

influence in presidential campaigns. We may consider candidates not on their merits, but in terms of the "after image" of a convention.[64]

Alternative Methods of Candidate Selection: Some Pros and Cons

In addition to the reforms of the convention system itself which were touched on above, three methods of changing candidate selection have been widely proposed in the past. They are: (1) selection by congressional caucus, (2) a direct national primary, and (3) the Canadian plan of nominating party candidates.

Congressional caucus. This method was used in the United States until 1824. It would consist simply of allowing Republican and Democratic senators and representatives to meet in party caucus and select the representatives from their parties they wish to see run for President and Vice President. The chief advantage of the method, its proponents claim, would be found in greater legislative-executive cohesion. Its disadvantages are described in our discussion of parliamentary systems. It might weaken the presidency because members of Congress would nominate only men they could control.

National primary. This method is perhaps the most widely publicized and advocated. Various proposals have been made. Some would use a preferential ballot (for example, a voter would indicate his first, second, and third choice; the nominee with the largest number of "mentions" would be the winner); others would provide for run-offs; still others would employ the plurality method. The claim is made for a national primary that it is the fairest and most democratic form of selection because it most nearly reflects the will of the people. In addition, its proponents argue that it would eliminate much of the party factionalism which is generated by the convention system because it eliminates the need to answer diverse questions such as how votes will be apportioned and delegates selected.[65]

On the debit side of the ledger, national primaries are scored for a number of reasons. First, studies indicate that voter turnout in primary elections is unusually low, an average of 30 percent. Moreover, voter apathy is most noticeable among lower income, minority segments of the population. This may suggest that national primaries may produce results less representative of the presidential constituency than the con-

64 *Ibid.*, pp. 81-108.
65 Davis, *op. cit.*, pp. 261-267.

vention method, especially if that method is reformed to include greater demographic representation.

Second, the cost of a national primary system may be prohibitive. The high costs of running for office, which we have discussed, would certainly inflate enormously and this would be accompanied by all the attendant evils. In addition, the physical demands on the aspirants might be beyond the capabilities of most. Candidates for the Presidency under the national primary system might be limited to "wealthy athletes."

Third, the scheme presents a number of technical problems. How do we establish national voter registration requirements? What do we do with the unaffiliated voter? Will the public be able to understand a relatively complex ballot and voting procedure?

Finally, some charge that national primaries will produce party factionalism. Analysis of the 1972 Democratic primaries lends some credence to this view.[66]

The Canadian plan. This proposal aims at fundamentally changing the method of selecting delegates to the national convention. An outline of the plan is contained in the following passage from a monograph by Carl and Ellen Baar:

> The basic difference between the delegate-apportionment formulas in Canada and in the United States is that the Canadian formulas provide direct representation for public officials, party officials, constituency organizations, and interests that might otherwise be underrepresented in these three categories. On the other hand, American formulas provide direct representation for state delegations alone. Representation of the segments of American parties that have traditionally been underrepresented—women, youth, minorities—has been and continues to be indirect rather than direct. The increased representation of these groups in 1972 was achieved not by having the national parties allocate a percentage of delegate positions to women, youth, and minorities, but by urging the state parties to assure them adequate representation. The formulas in the United States reflect an attempt to build a national party by involving state party organizations in leadership selection, those in Canada an attempt to build a national party by involving representatives of all segments of the party organization in the process of leadership selection. Because leadership conventions in Canada are designed to represent all segments of the party organization rather than provincial parties alone, the national party

66 *Ibid.*, pp. 267-272.

> committees in Canada take a more active role in defining the composition of convention delegates. Both the Liberal and Conservative national party committees provided for methods of delegate selection that assured representation of both federal and provincial party organizations, all federal candidates, elected federal officials, and a substantial number of elected provincial officials. Representation was granted directly to student party groups on university campuses. Representation of youth and women was assured through the requirement that each of the 264 federal constituencies include one person from each category. In the United States, the Democratic and Republican National Committees determined the allocation of votes among state parties, but representation of federal party associations, federal candidates and elected officials, youth, women, or college students was left to the discretion of the state party organizations. In 1972, this discretion was limited by the encouragement of state delegations to take affirmative action to ensure that underrepresented segments of the party be represented on state delegations.[67]

The drawbacks of the Canadian system as it might apply to the United States are highlighted in *The Convention Problem*:

> The lack of serious attention to the Canadian experience during the contemporary debate about conventions in the United States has occurred because the current reform movement stresses representation of the rank and file, especially *party voters*. It is suspicious of established party organizations and their presumed oligarchical tendencies. Where the Canadian pattern would introduce the new perspectives of specialized national constituencies into the nominating conventions through the apportionment system, reformers in the United States have sought instead to provide adequate representation for categories excluded from, or minimized in, the traditional delegate selection process—blacks, other minority groups, youth, women, and so on. To these reformers, allocating votes to representatives of party organizations is an elitist system. It also produces delegates who are responsible primarily to their specialized national constituencies, rather than to the party rank and file. In addition there is no definite assurance that at Canadian-style conventions the spokesmen for youth, for example, would be present in numbers commensurate with the strength of the young in the party-at-the-polls

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67 Carl and Ellen Baar, "Party Convention Organization and Leadership Selection in Canada and the United States," in *Perspectives on Presidential Selection*, edited by Donald R. Matthews (Washington D.C.: The Brookings Institution, 1972), pp. 54-55. See, also, D. V. Smiley, "National Party Leadership Conventions in Canada: A Preliminary Analysis," *Canadian Journal of Political Sciences*, December 1968, pp. 373-397

> or in the population at large. Thus, while the Canadian system may have merits, it also creates dilemmas; and it does not emphasize the values of the current reform movement in the United States.[68]

III. RESOLVED: *That Campaign Funds for all Federal Elective Offices Should be Provided Exclusively by the Federal Government*

This proposition, in modified form, has been advocated extensively in the past year by organizations such as Common Cause and the Twentieth Century Fund. A version of it received additional and powerful support on March 20, 1974, when the National Academy of Public Administration called for its adoption. In a report prepared for the Select Senate Subcommittee on Presidential Campaign Activities (the Watergate Committee), the academy declared:

> The strongest argument in behalf of direct federal appropriations to finance campaigns for federal office rests on the proposition that present practices are intolerable.
>
> The panel considered arguments which have been advanced against federal financial support, but reached the conclusions that federal appropriations in support of campaign spending . . . would serve a desirable public purpose.[69]

Definitions

What are campaign funds? In general, this phrase refers to expenses incurred by individuals in running for public office. In plans of federal financing, campaign funds are restricted to outlays made by the candidate between the time he files for office in the primaries and the time the results of the general election are officially certified by the state election board. Thus primary campaigns, run-offs, and general elections are covered. At the national level, especially with the offices of President and Vice President, this definition appears to exclude a number of significant campaign costs. What about the expenses of the presidential candidate who chooses not to run in the presidential primaries? What about the costs amassed by the candidate who, long before the primaries and the nominating conventions, criss-crosses the nation "testing the wind," so to speak, for evidence of party support? In order to bring these costs within the definition, it may be necessary to set time limits on campaigning. Campaign costs might be viewed, therefore, as expenses incurred between

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68 Parris, *op. cit.*, pp. 37-38.
69 National Academy of Public Administration, *op. cit.*, p. xxiii.

March 1, let us say, and the first Tuesday of the following November, when the general election is held.

Campaign costs are of two types. The first type includes direct cash outlays for expenses such as buying television and radio time, paying for billboard advertising and other promotional gimmicks, conducting public opinion polls, meeting the salaries of staff personnel, transportation, printing, postage—the many items that are necessary to build the candidate's image and convey his message to the voting public. The second type consists of services in kind. These are services which are made available to a candidate free of charge, for which he would otherwise have to pay, such as, free television and radio time, the franking privilege in Congress, and work performed by volunteers during the campaign. Of the two, the second, it should be apparent, is by far the most difficult to specify, define, and control. Should a guest appearance by a candidate on a Bob Hope special be counted as a campaign expense? It would certainly contribute toward building his public image. Should we permit lawyers, pollsters, public relations experts, and advertising men to donate their time? Presently, services by specialists of this kind constitute a large part of the campaign budget. If one candidate received them free of charge while his opponents did not, he would gain a decided advantage in the election.

As described later, most plans for federal financing of political campaigns attempt to set a dollar limit on the out-of-pocket expenditures which candidates will be permitted. Similar limits will probably have to be attached to services in kind. Because there is a great deal of ambiguity in this area, some authorities have suggested establishing a federal board which can review special problems and adjudicate disputes in cases where definitional lines are blurred.

What are federal elective offices? The definition of this term in the proposition is quite specific. There are only three federal elective offices: representative, senator, and President and Vice President (the last two seek election as a team).

How should funds be provided? The word *provide* is used in two senses. In one sense it means "to furnish, supply, and equip." Its other meaning, a legal one, is "to arrange for or stipulate beforehand as a provision or a proviso." On the basis of the first definition, it would appear that the funds must come in the form of direct supports—cash appropriations or their equivalent in kind. To this, the second definition adds the notion that the appropriations should be made according to a system. Conditions should be attached to the appropriations, in short,

which stipulate how they will be used, when they will be made available, and who will secure them and in what amount.

The latter definition is the key to solving critical problems with the federal funding of political campaigns, which might otherwise render the approach unworkable and highly undesirable. Essentially, these problems relate to checking the candidacies of frivolous would-be officeholders. If the government were to pay the bills of anyone running for national office, doubtless the number of candidates would skyrocket. Indeed, the program could become a kind of public works project, with thousands going on the government payroll every two years under the guise of campaigning for elective office. Not only would this present staggering costs to the nation, but it would seriously weaken the two-party system by encouraging splinter candidates. Thus ways must be discovered for limiting the number of candidates receiving public funds to those who are serious contenders.

Let us review some of the plans which have been suggested for making these crucial limitations. The most important of these is the Public Financing Bill approved by the Senate Rules Committee on February 6, 1974. In order to qualify for a federal subsidy in primary races, individuals must demonstrate an acceptable degree of public support. Acceptable support is measured by the amount of private contributions received by the candidate. For example, contenders for the House of Representatives must raise $10,000 in contributions of $100 or less before they qualify for a federal subsidy; once the $10,000 plateau is reached, the federal government will match that amount and match each additional $100 received on a dollar-for-dollar basis. Senate candidates must raise $25,000 to qualify; presidential primary contenders must amass $250,000 in individual contributions of no more than $250 each.

In the general election, candidates would be divided into three classes—major party, minor party, and new party and independent. Major party candidates (Republican and Democrat) would be entitled to a full federal subsidy up to the spending limit—$90,000 for House races, $175,000 for the Senate, and 15 cents times the voting-age population for presidential nominees, or about $24 million. Minor party candidates, defined as individuals or nominees of parties who received more than 5 per cent of the vote in the last election, would be subsidized in direct proportion to the number of votes they received in the previous election. Thus, if a candidate collected 5 per cent of the vote, he would receive 5 per cent of the permissible campaign limit for the office he was seeking (5 per cent of $90,000, for example, in the case of the House; 5 per cent

of $175,000 for the Senate). New party and independent candidates would be reimbursed only if they should receive 5 per cent of the vote in the current election.[70]

Essentially, other proposals, such as plans developed by the Twentieth Century Fund and the Committee for Economic Development, follow this basic formula but disagree about specific provisions. For the primaries, some proposals would drop the matching requirement, retaining only the stipulation that a plateau has to be reached in private contributions before a candidate can qualify for a federal subsidy. Others would make a candidate's eligibility for federal support dependent upon his showing in a government-sponsored public opinion poll. A candidate not reaching the 5 per cent level, for instance, would be denied support.[71]

In general elections, the most significant deviations concern spending limits and treatment of major party candidates. Some plans would impose no limits on spending, on the grounds that to do so would seriously risk "stacking the deck" in favor of one party. In traditionally heavy Democratic districts, the argument runs, Republicans must spend more in order to equalize the contest. If the two parties are limited in the amounts they can spend, the Democrats would have an inherent advantage. The same thing would hold true nationally, they complain, if the presidential candidates were subsidized according to voting age population. These plans contain provisions, therefore, that attempt to equalize conditions for the underdog party. Finally, some plans anticipate the need to adjust federal payments in accordance with state and regional differentials in the cost of running for election.

While they vary in specific details, it becomes apparent that most proposals for financing political campaigns through government monies foresee the need to include mechanisms for limiting the number of candidates and to make distinctions based on the status of the candidate's party.

There is a great deal of disagreement about the sources of these public campaign funds. Some proponents favor taking funds from general revenues. Others would use the proceeds from the tax checkoff pro-

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70 U.S. Congress, Senate, S. 3044 (Report No. 93-689), 93d Cong., 2nd sess., February 21, 1974. This discussion of public financing legislation is keyed to the original form of S. 3044. The Senate passed an amended bill by a vote of 53-32 while this analysis was in proof. Students can check on the important alterations of that version and subsequent ones in future issues of *The Forensic Quarterly*.

71 See David W. Adamany, *Campaign Finance in America* (North Scituate, Mass.: Duxbury Press, 1972), pp. 230-249.

vision of the Federal Election Fund Act. This provision allows each taxpayer, by checking a box on his federal income tax return, to designate that $1 of his federal tax liability shall be used to finance the election of the President beginning in 1976.

The Senate Rules Committee plan calls for (1) doubling the tax checkoff by raising it from $1 to $2 for an individual and $2 to $4 for a joint return, (2) creating "a presumption in favor of checking-off" by requiring the taxpayer to indicate on the form that he does *not* want money allocated to the Federal Election Campaign Fund, instead of indicating that he *does*, as the act now requires, and (3) authorizing Congress to make up the difference between the amount raised through the fund and the sums actually required to meet the candidates' campaign expenses by appropriating money from general revenues.

Plans calling for the federal government to provide free services to candidates most often focus on four needs. The first of these is television time. Stations would be required to make more free time available to candidates and to reduce rates for commercials (this highly complex area of concern will be treated below). Second, the franking privilege now enjoyed only by incumbent congressmen would be extended to all candidates (while congressmen are prohibited by law from using the frank to send out political literature, the definition of political is interpreted so narrowly that the law is virtually unenforceable). Or barring this, all candidates would be permitted to send out campaign literature at the low rate now charged charitable institutions. Third, the federal government would assume the initiative in voter registration and would make registration lists available for all federal candidates. As Delmer D. Dunn of the Brookings Institution notes, "this could save many candidates and parties vast sums of money." Finally, by declaring a "National Election Holiday," Congress would eliminate large expenses including transportation to the polls, baby sitters, and paid workers, now incurred by parties in their efforts to "get out the vote."[72]

What is the meaning of the phrase, "exclusively by the federal government"? This phrase can be defined in two ways. One focuses on financing directly; the other sees the phrase as a function of administration. Of the two, the first is by far the more obvious and commonly used.

Webster's defines *exclusive* as "not admitting of something else,

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72 Delmer D. Dunn, *Financing Presidential Campaigns* (Washington, D.C.: The Brookings Institution, 1972), pp. 140-158.

excluding from consideration or account, limited to the object or objects designated, shutting out all others from a part or share, single and sole, and disposed to resist outsiders from association." Thus on the surface the proposition appears to limit campaign funds that can be employed in federal elections to money and services appropriated and made available to candidates by agencies of the federal government. Candidates would be prohibited from using funds from their own personal resources, from friends and supporters, or from their party.

As we have discovered, most current proposals for federal subsidies reject the principle of federal exclusiveness. In order to discourage frivolous candidates and to promote competitiveness between major party nominees, these proposals encourage a mixture of private and public funds. Candidates may accept private contributions during primary campaigns, and political parties may underwrite some of the expenses of their contenders at any stage of the electoral process. Indeed, the plan proposed by the Senate Rules Committee gives the candidate a choice between financing his campaign during the general election exclusively by private contributions or by government subsidies. The report of the National Academy of Public Administration states:

> Although the experience with private financing of campaigns furnishes strong evidence against continuation of the existing method, that does not establish a case for exclusive public financing. The panel believes that private support of political campaigns is an important aspect of citizen participation in the electoral process and that there may indeed be a constitutional right for individual citizens to contribute toward political candidacies.
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> While the rights of individual citizens to contribute to the campaigns of political candidates or parties are uncontested, the same rights cannot be claimed by corporations, organizations or associations. With partial public support lessening the need for private funding, donors to campaign funds should be strictly limited to individual voters.[73]

In the opinion of the writer, the term *exclusive* need not be defined so narrowly. The dichotomy that should be drawn is not between federal financing and private financing, but between control of campaign funds by the federal government and control by the individual candidate. The source of funds is not so important as long as control over the means of providing the funds is lodged solely (exclusively) in a

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73 National Academy of Public Administration, *op. cit.*, pp. xxiii-xxiv.

single authority. The tax checkoff, for example, raises funds for federal election campaigns through private contributions, yet the provision of those funds to individual candidates is an exclusive right of the federal government. The federal government singly and alone determines where and how the proceeds from the checkoff will be spent. By analogy, banks raise money from their depositors but the provision of that money to borrowers is an exclusive function of the bank.

This expanded definition suggests, then, that campaign funds for federal elective offices will be provided exclusively by the federal government under circumstances in which the federal government acts as a banker or broker for those funds with sole authority to dictate and control appropriations. How far can we take this definition? Would a private contribution of $50,000 earmarked for a specific candidate be consistent with exclusive federal funding as long as the contribution was first sent to the federal government for redistribution to the candidate? The answer is probably yes. On a purely definitional plane, there is no essential difference between $1 contributions given by individuals through the tax checkoff and $50,000 given by individuals to the candidate of their choice. One may create evils in the electoral process, while the other does not. But that is an aspect of policy design, not a definitional consideration. As long as campaign funds must flow through the federal government before they are provided to candidates, the provision of those funds would be exclusively carried out by the federal government.

What is the federal government? It includes Congress, the Presidency, and the United States Supreme Court, together with all agencies necessary to carry out the constitutional functions of those branches. The term gives the affirmative full authority to create or to use any means it deems appropriate for implementing the proposition.

Justification for Federal Financing

Advocates of financing campaigns for national office with federal funds claim that money, especially money raised through private contributions, is at the root of most of the problems in our electoral process. In order to meet the high costs of running for office, candidates must often compromise their integrity in ways which not only open them to pressure from special interest groups but also subvert the very process of free, meaningful elections. What are the financial costs of running for office? Does money guarantee victory at the polls? What problems arise in the electoral process when candidates must raise campaign funds from

private sources? How would federal financing make a difference? These questions will be addressed in the following discussion.

The cost of running for office. The combined costs for all federal elective offices in 1972 may have been close to $200 million. A study by Common Cause revealed that House and Senate candidates alone spent $77 million in the primary and general elections; and expenditures by presidential and vice presidential nominees have been estimated at more than $100 million. In twenty-four House races the candidates' combined expenses exceeded a quarter of a million dollars, and in two contests, the race for the 5th district in Massachusetts and the 17th district in California, the combined expenses totaled more than a half million dollars. Ten Senate races produced costs of more than $1 million each. The individual high was set by Senator John Tower of Texas with $2,301,870. Other senators personally topping the $1 million mark were Robert Griffin of Michigan ($1,394,927) and Charles Percy of Illinois ($1,408,822).[74]

It is difficult to evaluate growth in campaign expenses because, before 1972, candidates were not required to make full disclosure of their expenses, but available evidence strongly suggests that expenditures have increased sharply with each new election. Expense reports filed with the clerk of the House of Representatives show that the amount spent on presidential campaigns almost tripled between 1956 and 1968, with dollar amounts rising from $13,732,000 to $48,119,000. Estimated expenditures for all national, state, and local elective offices rose from $155 million in 1956 to $300 million in 1968.[75]

Relationships between campaign expenditures and election outcomes. Experts disagree sharply in their estimates of the effect of money on election victories. Frequently, other factors—principally issues, party identification, incumbency, and the personal charisma of a candidate—may be decisive. Yet most authorities recognize the fact that money does make a difference in most campaigns. Dunn points out that since World War II, Republican presidential candidates who have outspent their opponents by as much as 50 per cent have won elections. The following table demonstrates this fact:

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74 Common Cause, "Common Cause Releases Study of 1972 Congressional Campaign Finances," News release by the Common Cause Organization, 2030 M Street, N. W., Washington, D.C. 20036, dated September 13, 1973, p. 1. This report is one in a series of studies of the 1972 campaign. These reports can be obtained by writing directly to Common Cause at the address given above.

75 Dunn, *op. cit.*, pp. 30-32.

TABLE 1

PERCENTAGE BY WHICH CANDIDATE OUTSPENT OPPONENT

Candidate's party	1948	1952	1956	1960	1964	1968
Democratic	...*	...	...	10.1%*	...*	...
Republican	3.6%	71%*	59.3%*	...	2.9%	49.3%*

* = winner

Dunn concludes:

> . . .[T]he fact that so many recent winners have spent more than their opponents and that Republicans have managed to win in recent elections when they outspent the Democrats decisively may indicate that money is becoming more important in determining the victor than it was in the past. Moreover, candidates' increasing use of high-cost modern technology inevitably will make money more decisive in the future in determining election results.[76]

A Common Cause study of 1972 Senate and House Campaign expenditures seems to bear out Dunn's observation. The study reports that incumbent members of the House of Representatives running for reelection had a built-in financial advantage over their opponents. As a group, incumbents, whether Democratic or Republican, managed to raise twice as much money as their challengers. In the ten House races where incumbents lost to non-incumbents in the general election, the incumbents raised and spent less, on the average, than did their opponents.

In House races where incumbents were not running, candidates of both parties were able to raise sizable war chests. In these races, the winner was the one who outspent his opponent. The average was $104,064 to $75,766.

In the Senate, in races where an incumbent senator was seeking reelection, the incumbent managed to out-spend his challenger by margins of two, three, and four dollars to one.

In Senate races involving no incumbent, the winner, on the average, spent more than his challenger. However, both candidates were able to raise and spend at about the same levels.[77]

In addition, the study demonstrated that a high correlation exists between the amount spent by candidates and the margin of victory of

76 *Ibid.*, p. 9.

77 Common Cause, *op. cit.*, *passim*.

the winner. This is seen in table 2, which summarizes the 1972 campaigns for the House of Representatives:

TABLE 2[78]

Winning Percentages (range)	Number of Contests	Winners' Expenditures (average)	Losers' Expenditures
70% to 90%	97	$ 38,729	$ 7,479
65% to 70%	66	42,212	16,060
60% to 65%	91	55,065	30,483
55% to 60%	60	73,616	54,600
up to 55%	66	107,378	101,166

If, as most experts suspect and the results of these studies seem to substantiate, money does make a difference in election outcomes, what role does it play? Two needs confront any politician in a political campaign, especially if he is challenging an incumbent: the need to reinforce one's personal image and the need to keep the public informed about the issues. In meeting these needs, television has become by far the most important campaign tool for the candidate. It has also vastly increased a candidate's need for money. As Dunn puts it:

> Candidates are using . . . [television] increasingly, adding huge costs to their campaigns. Contestants for statewide and national offices view the ability to finance television as a major ingredient of victory. Campaign managers demand a "basic minimum" exposure for candidates, without which they cannot win . . .
>
> As winning turns more and more on who hires the most creative media personnel, finds the best (and most expensive) television time, and produces the most interesting commercials and programs, the potential impact of money on election victories looms larger and larger . . .[79]

In 1968 the Republican and Democratic parties combined spent approximately $37 million on the presidential campaign. Of this total, $20 million was spent on broadcast expenditures with most of it ($14,637,750) going for television. In contrast, in 1956 the two parties spent $12.5 million with only $4,723,000 spent on the broadcast media with $3,669,897 expended on television. Studies indicate that the trends developing in

78 *Ibid.*, Appendix A.

79 Dunn, *op. cit.*, pp. 9-10.

presidential campaigns hold true for other offices as well, both national and state.[80]

A growing number of investigators believe the high cost of running *for national office stands as an almost insurmountable barrier to open*, meaningful, and honest elections. By forcing political aspirants to raise through private contributions the staggering campaign funds required today, our system almost automatically limits access to the election arena, encourages illegal and shady campaign practices, and strengthens the hold of influence peddlers on government.

High campaign costs contradict the purpose and meaning of elections in a democratic society when they make it virtually impossible "for [individuals and] groups without money to enter the electoral arena to offer their ideas in competition with those who can afford the price of admission."[81] Dunn observes that in running for elective office, the rich enjoy a distinct advantage over the less affluent members of our society. He quotes one member of the House as saying, "When I ran for Congress, the first question asked me was whether I could finance my own campaign. If I had said, 'No, I cannot,' I would not have been the candidate. When you mention candidates for public office, you are only mentioning men of affluence."[82] But more, when men of modest means persist in their efforts to win office, they inevitably must seek help from the wealthy. The Common Cause study reveals the shocking fact that most campaigns for seats in the United States House of Representatives and Senate were financed in the main by a relatively small number of rich contributors. Other studies show that these wealthy contributors frequently give to both parties and underwrite the expenses of both candidates in a campaign.[83]

The implications are clear. Even when the wealthy do not wish to run for office personally, they exercise undue influence over who will run. By spending their money carefully, especially in primary campaigns, the wealthy can insure that the nominees of both parties in the general election will meet criteria and espouse views acceptable to them. In a very real way, then, high election costs result in the withholding of information from the voting public. Candidates who would offer the public a genuine choice and who would articulate vital issues are either not in the race, or

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80 *Ibid.*, p. 31.
81 *Ibid.*, p. 13.
82 *Ibid.*
83 Common Cause, *op. cit.*, pp. 2-4.

their voices are muted. Thus the voting public is reduced to choosing between Tweedledum and Tweedledee.

Equally important, our present system of financing political campaigns strengthens the hand of special interests in the affairs of government. As we have discovered, incumbent representatives and senators in the 1972 House and Senate races were able to raise and outspend their opponents by a ratio of more than two to one. Fred Wertheimer, legislative director of Common Cause, interprets this data in the following way:

> It is the direct result of a system which allows the campaign contribution to serve as a vehicle for buying political decisions. The money flows to incumbents because it is an incumbent who has the power to provide help and assistance. The result is that in Congress today we have neither a Democratic nor a Republican party. Rather, we have an Incumbency party which operates a monopoly. The only solution is to enact a system for public financing of elections. Such a move is essential to restoring integrity to our government. . . .[84]

David W. Adamany, writing in *Campaign Finance in America*, suggests that private contributions have the same effect on campaigns even when an incumbent is not running. He declares:

> As candidates and party captains are increasingly pressed by inflation in campaign costs, they find it harder to reject large contributions from those whose goals are suspect, or to deny requests for favored treatment from those who have already given generously. The large contributor base of political finance undoubtedly fosters some abuses and has the potential to spawn others. It certainly erodes public confidence in the integrity of politics, whether it actually corrupts or not.[85]

It is important to realize that contributors are almost never able to influence governmental policy explicitly. No public figure can afford to be known as a lacky of special interests. They not only refuse contributions from suspicious sources, therefore, but make it a practice to avoid promising favors in return for contributions. Rather, the danger is far more subtle, arising from implicit commitments which often are attached to the giving of funds. Commitments take two forms. First, the large contributor gains relatively easy access to the officeholder, thus permitting him to plead his case in person. As Dunn points out:

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84 *Ibid.*, p. 4.

85 Adamany, *op. cit.*, p. 173.

> The adroit claimant can effectively demonstrate what he wants and why he wants it—often through vivid personal illustrations. He has a great edge over others, winning victory by default if other sides of the issue never enter the decisionmaker's calculations. And competing claims may never be as vivid or have as great an impact as those presented in face-to-face communication.[86]

Second, the officeholder commits himself to continuing support of policies and practices that he has publicly championed in the past. Contributors give, in part, because they know where a candidate or officeholder stands on issues vital to their interests. Their contributions and promises of future support are conditioned by an implicit understanding that the stands will not change after the candidate is in office. This tends to lock the official into a static policy. He is reluctant to modify his position, even though over a period of time his perceptions of problems may change dramatically, because to do so would involve finding a new group of contributors. Thus money, rather than the merit of ideas, begins to motivate his public behavior and he becomes, in fact, a tool of the interests who support him financially.[87]

This is not to say, however, that candidates never trade political favors for campaign contributions. Senator Russell Long described the circumstances under which this occurs before the Senate Committee on Finance in 1967:

> I have seen men start out running for Governor with the firm intention of promising nothing. Coming down the stretch, I have seen them making commitments that it made me sick to see. They did it because they could not pay for radio and television. Their sign boards were taken down, and the only way they could cross the finish line and make a respectable showing was to make promises they did not want to make, such as promising the highway contractors who the contract would be given to; promising the insurance companies who the insurance commissioner would be.[88]

Finally, high campaign costs unquestionably contribute to dubious campaign activities. Given the pressures to raise funds, candidates are tempted to bend the law. They may accept illegal contributions from corporations and other organizations prohibited by law from giving to political campaigns, and then attempt to conceal the fact in their public dis-

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86 Dunn, *op. cit.*, p. 20.
87 *Ibid.*, pp. 20-25.
88 Quoted in *Ibid.*, p. 24.

closures. The full range of possibilities has been explored in the Watergate investigation.

Is exclusive federal financing needed to solve the problems of access, influence peddling, and illegal campaign practices in the electoral process? Most authorities concede that plans for financing national campaigns with federal funds would go a long way toward solving these problems, that have been caused mainly by the current inflationary costs of running for office and the candidates' dependency on private contributions in order to meet these costs. Federal financing affects both causal forces. It would permit the federal goverment to set the level of spending in a campaign, while at the same time freeing candidates from the need to solicit private funds. Access to the electoral arena would be increased, since many individuals, who are now discouraged from seeking office because they cannot raise funds, would be able to compete. Moreover, the plan would weaken the leverage of special interest groups in government by denying them the ability to trade money for influence at election time. Finally, it would lessen the likelihood of illegal campaign practices, not only by strengthening the enforcement mechanism for present disclosure laws, but also by eliminating some of the factors—lack of adequate funding and the need to keep contributions secret—which now lead candidates to participate in illegal practices.

However, is federal financing the only way of solving these problems? Could as much be accomplished by merely setting limits on campaign expenditures without discarding the current practice of funding campaigns through private contributions? Could solutions to the problem be found through making more free television time available to candidates and/or by giving them the franking privilege and greater access to voter registration files? Would not strict enforcement of campaign disclosure laws discourage illegal campaign practices? In short, what is unique to exclusive federal funding which demands its presence before a plan for election reform can be effective? And will the effectiveness of federal financing depend on its functioning in concert with other reform measures?

As seen above, the plan proposed by the Senate Rules Committee calls for setting mandatory limits on the amount of money a candidate may spend in any election and for amendments to the Federal Election Act of 1971 to tighten its provisions with respect to private donors. Specifically, the plan proposes the following spending limits.

> *Senate candidates*—the greater of 10 cents per eligible voter or $125,000 in the primary; the greater of 15 cents per eligible voter or $175,000 in the general election.
>
> *House candidates*—the greater of 10 cents per eligible voter or

$90,000 in the primary; the greater of 15 cents per eligible voter or $90,000 in the general election. (Statewide House races are treated in the same manner as Senate races.)

Presidential candidates cannot spend more in any state primary election than twice as much as a Senate candidate in that state can spend in a Senate primary, and cannot spend more than 10 cents times the voting-age population of the United States, or about $16 million in all primaries. In the general election, presidential candidates may spend 15 cents times the voting-age population of the United States, or approximately $24 million.

A candidate for any federal office who is unopposed in the primary or the general election may spend only 10 per cent of the usual limit for that office.

The national committee of a political party can spend, over and above the candidate limits, not more than 2 cents times the voting-age population of the United States, or approximately $3.2 million, on behalf of all federal candidates during any calendar year.

The state committee of a political party, including its subordinate local committees, can spend, over and above the candidate limits, not more than 2 cents times the voting-age population of that state on behalf of all federal candidates during any calendar year.[89]

In addition, the Senate Rules Committee plan would prohibit any individual or political committee from giving more than $3,000 toward a candidate's expenses in any campaign—primary, runoff, or general election. It further specifies that no individual may give more than an aggregate of $25,000 in a given election year and prohibits cash contributions in excess of $100. Finally, it restricts spending by the candidate and his immediate family to $50,000 for presidential and vice presidential candidates, $35,000 for Senate candidates, and $25,000 for House candidates.[90]

It could be argued that these tough new provisions will correct most of the current abuses in the election process. By limiting expenditures, they curb the skyrocketing costs of running for office, thus increasing access to the electoral arena; by imposing limits on private donations, they lessen the power of influence peddlers. Assuming the truth of these claims, are the needs met more adequately by a system of exclusive federal financing?

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89 United States Senate, S. 3044, *op. cit.* See comment accompanying footnote 70, *supra.*

90 *Ibid.*

A close analysis of the 1972 House and Senate races reveals that two-thirds of the contributions to the candidates came from large donors ($100 or more). At what point does a contribution translate into political influence? $100? $500? $3000? This kind of correlation has not been determined. Hence, it is questionable that a plan which attempts to curb political influence brokers by limiting the size of private contributions will achieve its desired result. Exclusive federal funding enjoys an advantage because it poses an absolute bar to influence seekers. Analysis of the 1972 House and Senate races also shows that many candidates were unable to reach the spending limits established in the Senate Rules Committee plan. This suggests that reform which aims only at setting ceilings on campaign expenditures cannot equalize competition between candidates. Gaps will still occur as long as raising campaign funds depends upon private donors. At what point does a differential in spending influence the outcome of an election? Again, this kind of information is unavailable. In a system of exclusive federal financing the question need not be asked, since both major party candidates would be authorized to spend up to their limits.[91]

In a similar vein, affirmative teams should be prepared to establish the superiority of exclusive federal financing against other alternative reform proposals—the provision of free broadcast time and other resources designed to reduce the costs of campaigning and give less affluent candidates access to the public forum, and tough new laws which strengthen public disclosure laws. While the limits of this analysis do not permit an in-depth analysis of these reforms, the affirmative should keep the following questions in mind in attempting to balance off the advantages and disadvantages of these alternatives *vis-á-vis* a plan of exclusive federal funding:

> 1. Which reform better guarantees serious candidates at least a minimal access to voters?
> 2. Which reform increases the candidate's ability to inform the voter about issues and to offer the voter a real choice?
> 3 Which reform most reduces the pressure on candidates to raise money?
> 4. Which reform most reduces the ability of special interest factions to influence public policy through campaign contributions?
> 5 Which reform better offsets the advantage held by the wealthy in seeking office or in determining who will seek office?[92]

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91 Common Cause, *op. cit.*

92 Dunn, *op. cit.*, pp. 140-141.

Disadvantages of of Exclusive Federal Financing

Three disadvantages are generally associated with plans of exclusive federal financing: (1) its adverse impact on citizen participation, (2) inequalities in candidate competition, and (3) the disadvantage of establishing a dual-track system.

Citizen participation. Some experts fear that exclusive federal financing will diminish citizen interest and participation in elections. The right to contribute to the party and candidate of one's choice is a powerful motivational factor in creating voter interest. When people have a personal stake in the outcome of an election, they follow the campaign more closely and develop keener insights into the issues and personalities involved. Moreover, their interest is transmitted to other voters around them. Through discussions and arguments, they stir up reactions in others which may lead them to obtain information about the candidates and the issues they espouse. Thus private contributions are likened to a stone thrown in the middle of a pond; they create ripples that go out in ever-widening circles. Take away the citizen's right to contribute, it is claimed, and voter interest will substantially diminish.

Voter interest may be diminished for another reason. Exclusive federal financing could also strip the citizen of his right to participate in elections through volunteer work. We have already noted that work performed by volunteers results in substantial savings to a candidate in campaign costs. We have also seen that voluteered service is extremely difficult to define. As a consequence, the ambiguities in this area could be used by candidates to circumvent spending limits by soliciting the equivalent of private contributions in the form of expensive resources donated by experts. In order to prevent these circumventions, it may be necessary to define "volunteered services" so narrowly that the citizen, in effect, will be prohibited from working in campaigns.[93]

Competition between candidates. One of the thorniest problems with any plan for federal financing concerns its impact on the competition between candidates. The assumption that by equalizing spending we equalize the ability of candidates to compete begs the realities of American political life. A Republican who is running in a district which is predominantly Democratic, for example, may require much larger expenditures than his Democratic opponent in order to project his message and image with enough force to enable him to win. By the same token, the candidate running against an incumbent may be at a disadvantage unless

93 This objection is suggested by the discussion of spending limitations in Adamany, *op. cit.*, pp. 262-264.

he can spend more in order to become as well known. If a plan does not compensate for these factors—voter registration, incumbency, novelty of ideas and priorities, and minor party status—by permitting the underdog to spend more than his established opponent, it risks freezing into the system inequities which are just as destructive to the electoral process as the inequalities the plan purports to correct. This fear stands behind President Nixon's opposition to the tax checkoff. It gives the Democratic party, which has a substantially greater number of registered voters, an inherent advantage over the Republican party.[94]

But what rational system of compensation is possible? Should it be based on voter registration, thus subsidizing candidates in inverse ratio to the number of registered voters in their party? This would penalize the party that has done the more effective job of recruiting voters and would be a disincentive for party activity and effort. Should we allow a national board to make compensation allowances in determining levels of funding? What criteria would it employ? Would it not be an open invitation to political corruption? Like the disadvantage it is attempting to correct, this formula for compensation would probably release unacceptable evils into the system.

Dual-track system. Finally, exclusive federal financing is criticized because it will result in a dual-track system of financing election campaigns in the United States. The problem of dual tracking is explained in *Financing Presidential Campaigns*, where Dunn observes:

> Over the long run, American public policy must avoid a "dual track" campaign finance system that provides substantial financial relief for those contesting federal office while providing little or none to candidates for state and local offices. The visibility and growing role of national government obscures the importance of state and local governments, where many decisions affecting the everyday lives and work of Americans are made.
>
> Dual track financing could encourage men without wealth to campaign for federal office, leaving state office as an exclusive preserve of wealthy candidates or contributors. This could worsen the insidious effects of private financing on elections and public policy below the federal level, particularly since many state and local officeholders are under less intense public scrutiny than national officials. It could also intensify problems of recruiting candidates for state and local office.[95]

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94 This argument is at the heart of the debate over campaign financing now raging in Congress. See Washington *Post*, March 28, 1974.

95 Dunn, *op. cit.*, pp. 153-154.

SECTION II

Resources on Political Reform

"A democracy cannot succeed unless a majority of the voters are informed, virtuous and industrious."

THOMAS JEFFERSON

READING LIST*

Selected and Annotated

By William M. Reynolds†

ANNOTATED BOOKS

Adamany, David W. *Campaign Finance in America.* North Scituate, Mass.: Duxbury Press, 1972.

Principally deals with campaign financing in Connecticut. Draws conclusions for the nation.

Agar, Herbert. *The Price of Union.* Boston: Houghton Mifflin Company, 1950.

An excellent and scholarly review of the roots of our present governmental system.

Alexander, Herbert E. *Financing the 1968 Election.* Lexington, Mass.: D. C. Heath and Company, 1971.

A thorough analysis of the campaign costs and expenditures of the 1968 Presidential election campaign.

Alexander, Herbert E. *Money in Politics.* Washington, D.C.: Public Affairs Press, 1972.

The definitive work on campaign financing—how much it costs, where the money comes from, how it is spent, and the consequences of such expenditures.

Alexander, Herbert E. *Regulation of Political Finance.* Princeton, N.J.: Institute on Governmental Studies and Citizens' Research Foundation, 1966.

State and national approaches to the control of the role and the influence of money in politics.

Alexander, Herbert E., ed. *Studies in Money in Politics.* Princeton, N.J.: Citizens' Research Foundation, 1965.

A landmark work of seven studies dealing with regulation of campaign finance, public reporting of contributions and expenditures, public subsidies for campaign costs, tax incentives for political giving, and party fund-raising practices.

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*This bibliography is a selected list of materials that are apt to be useful to teachers and students discussing and debating the questions and propositions comprehended under the problem area on political reform.

†This bibliography was prepared by William M. Reynolds of The George Washington University in cooperation with his research assistants, Graham and Judith Chynoweth, and Daniel Rothwell and David Thornburgh, research assistants in the National Office, University of Oregon, Eugene, Oregon.

Alexander, Herbert E., ed. *Studies in Money in Politics*, Volume II. Princeton, N.J.: Citizens' Research Foundation, 1970.

Seven studies on money involved in national and state primary and final elections.

American Enterprise Institute for Public Policy Research, The. *Twelve Studies on the Organization of Congress.* Washington, D.C.: The American Enterprise Institute for Public Policy Research, 1966.

Scholarly suggestions on how Congress should operate.

Anderson, Jack, and Drew Pearson. *The Case Against Congress.* New York: Simon and Schuster, 1968.

The "corrupt" Congress is explained.

Archibald, Samuel J. *The Pollution of Politics.* Washington, D.C.: Public Affairs Press, 1971.

A fairly brief but provocative discussion of campaign ethics, or lack of it, with emphasis on the role of mass media.

Bailey, Stephen K., ed. *American Politics and Government: Essays in Essentials.* New York: Basic Books, Inc., 1965.

An excellent and articulate explanation of place and parts played by the three branches of the federal government.

Bain, Richard C., and Judith H. Parris. *Convention Decisions and Voting Records.* Washington, D.C.: The Brookings Institution, 1973.

An outstanding volume giving historical insight and factual presentation of the American political conventions from their early inception until 1972.

Barber, James David, ed. *Choosing the President.* Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1974.

A useful anthology on the political ramifications of choosing a president.

Bickel, Alexander M. *Reform and Continuity; The Electoral College, the Convention, and the Party System.* New York: Harper and Row, 1971.

A brief but excellent treatment of the present system with emphasis on its strengths rather than all its weaknesses.

Birch, Anthony H. *Representative and Responsible Government: An Essay on the British Constitution.* Toronto, Canada: University of Toronto Press, 1964.

An historical look, up to the present, at representation and responsibility in the British system.

Bloom, Melvyn H. *Public Relations and Presidential Campaigns: A Crisis in Democracy*. New York: Thomas Y. Crowell Company, 1973.

An excellent and detailed treatment of the making of an image in presidential politics, especially in the 1960, '64, and '68 campaigns with a brief update on the 1972 election.

British Information Services, Reference Division. *The Central Government of Britain. Local Government in Britain. The British Parliament. Parliamentary Elections in Britain.* New York: British Information Services, 1971, 1972, 1973, 1973. Available through B.I.S., 845 Third Ave., New York, N.Y. 10022.

Broder, David S. *The Party's Over: The Failure of Politics in America.* New York: Harper and Row, Publishers, 1972.

A political reporter chronicles the failures of the government and calls for citizen participation in "those strangely neglected institutions, the political parties."

Burns, James MacGregor. *The Deadlock of Democracy: Four-Party Politics in America.* Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1967.

A classic work on four-party politics in America, including a "new perspective for the 70's."

Burns, James MacGregor. *Uncommon Sense.* New York: Harper and Row, Publishers, 1972.

A call to undertake that most demanding and revolutionary of all activities—rethinking our goals and our means of attaining them.

Clark, Joseph S. *Congress: The Sapless Branch.* New York: Harper and Row, Publishers, 1964.

Senator Clark of Pennsylvania takes a critical look at Congress, with suggested reform.

Committee for Economic Development. *Financing a Better Election System.* New York: Committee for Economic Development, 1968.

A statement on national policy; recommendations include eliminating needless campaign costs, broadening the base of political finance, and enforcing full disclosure.

Committee for Economic Development *A Statement on National Policy by the Research and Policy Committee.* New York: Committee for Economic Development, 1970.

An analysis of the major structural and procedural problems that currently limit the effectiveness of the Congress and a discussion of some reforms.

Congress and the Public Trust. Report of the Association of the Bar of the City of New York, Special Committee on Congressional Ethics. New York: Atheneum Publishers, 1970.

A well-written study of conflicts of interest and ethical standards in Congress, with suggested reforms.

Congressional Quarterly, *The Washington Lobby.* Washington, D.C.: Congressional Quarterly, Inc., 1971.

The role of the lobby in American politics and the laws governing their activities are discussed in detail.

Corwin, Edward S. *The President, Office and Powers, 1787-1948.* New York: New York University Press, 1948.

A discussion of the strength, power, and possible dangers of the Presidency.

Corwin, Edward S., ed. *U.S. Constitution.* Washington, D.C.: Legislative Research Service, Library of Congress, U.S. Government Printing Office, 1953.

A massive, well-documented undertaking dissecting the Constitution almost word by word.

Crossman, Richard H. *The Myths of Cabinet Government.* Cambridge, Mass.: Harvard University Press, 1972.

An Englishman discusses the limits of prime ministerial power.

Crotty, William J.; Donald M. Freeman; and Douglas S. Gatlin, eds. *Political Parties and Political Behavior.* Second Edition. Boston: Allyn and Bacon, Inc., 1971.

A systematic presentation of materials "calculated to develop an appreciation of the political party, its operations and the environmental demands to which it responds."

Dahl, Robert A., ed. *Political Oppositions in Western Democracies.* New Haven, Conn.: Yale University Press, 1966.

Broad investigation of the questions, problems, and meaning of political opposition.

Davis, James W. *Presidential Primaries: Road to the White House.* New York: Thomas Y. Crowell Company, 1967.

Very readable account of primaries. Especially good in discussing the pros and cons of national primaries.

Democratic National Committee. "Call to Order . . . A Narrative Report by the Commission on Rules of the Democratic National Committee." Washington, D.C.: Democratic National Committee, 1972.

Democratic National Committee. "Democrats All. A Report of the Commission on Delegate Selection and Party Structure." Washington, D.C.: Democratic National Committee, 1973.

Democratic National Committee. "Rules of Democratic National Committee." Washington, D.C.: Democratic National Committee, 1972.

Dexter, Lewis Anthony. *How Organizations Are Represented in Washington.* Indianapolis, Ind.: The Bobbs-Merrill Company, 1969.

A "how to" book in government relations.

Domhoff, G. William. *Fat Cats and Democrats.* Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1972.

A very readable study of the sources of big money within the Democratic Party.

Drossman, Evan, and Edward W. Knappman, eds. *Watergate and the White House July-December 1973.* Vol. 2. New York: Facts on File, Inc., 1974.

This is the sequel to Knappman's other volume (see below). It also is "must" reading on the issue of Watergate.

Dunn, Delmer D. *Financing Presidential Campaigns: Studies in Presidential Selection.* Washington, D.C.: The Brookings Institution, 1972.

Comprehensive, up-to-date treatment of campaign financing. Specially emphasizes television and radio costs.

Epstein, Leon D. *Political Parties in Western Democracies.* New York: Frederick A. Praeger, 1967.

Compares and evaluates political parties in the United States. Great Britain, and the European nations.

Farrand, Max, ed. *U.S. Constitutional Convention, 1787.* Revised Edition. New Haven, Conn.: Yale University Press, 1937.

An almost complete collection of all documents, notes, records, and other written items of the Constitutional Convention.

Fenno, Richard F., Jr. *Congressmen in Committees.* Boston: Little, Brown and Company, 1973.

A study of Congress sponsored by the American Political Science Association.

Fishel, Jeff. *Party and Opposition: Congressional Challengers in American Politics.* New York: David McKay Company, 1973.

"Focusing on congressional elections and the role of American parties as instruments of political opposition, this book is a collective biography of congressional challengers."

Gardner, John W. "Rebirth of a Nation." Washington, D.C.: Common Cause, 1974 offset.

Essay on what can be done to prevent future Watregates.

Garriguer, Charles Harris. *You're Paying for It! A Guide to Graft.* New York: Funk & Wagnalls, 1936.

The report of a disillusioned author who sees corruption in government as endemic.

Green, Mark J.; James M. Fallows; and David R. Zwick. *Who Runs Congress?* New York: Bantam Books, Inc., 1972.

Discussion of "fundamental problems besetting Congress," such as campaign funding, the election process, lobbying, and executive preemption of the Congress.

Hall, Donald R. *Cooperative Lobbying—The Power of Pressure.* Tucson: University of Arizona Press, 1969.

Scholarly approach to the interaction of pressure groups.

Hansard Society. *Problems of Parliamentary Government in Colonies.* New Southgate, London: Chiswick Press, 1953.

Primarily of interest for a definition of parliamentary government.

Harris, Fred R. *Now is the Time, A New Populist Call to Action.* New York: McGraw-Hill Book Company, 1971.

A somewhat general work dealing with several kinds of reform including campaign financing.

Harris, Joseph P. *Congressional Control of Administration.* Washington, D.C.: The Brookings Institution, 1964.

Discussion of Congress's increasing difficulty in controlling administrative operations, with history and suggested reforms.

Hawley, Willis D. *Nonpartisan Elections and the Case for Party Politics.* New York: John Wiley & Sons, 1973.

A group conflict analysis of primarily local political party reform with a strong bent toward partisan politics.

Heard, Alexander. *The Costs of Democracy.* Chapel Hill: University of North Carolina Press, 1960.

An important book on campaign finances, including proposals for altering the present system.

Hermens, Ferdinand A. *The Representative Republic.* Notre Dame, Ind.: University of Notre Dame Press, 1958.

A thorough discussion of government forms and policy as well as a specific discussion of representative governments all over the world.

Hiebert, Ray; Robert Jones; John Lorenz; and Ernest Lotito. *The Political Image Merchants*. Washington, D.C.: Acropolis Books, Ltd., 1971.

Excellent anthology on the various aspects of campaigning with heavy emphasis on media politics.

Hinckley, Barbara. *The Seniority System in Congress*. Bloomington: Indiana University Press, 1971.

A "thorough and objective study of the seniority system to determine how it functions and what it shows about the selection of leaders in Congress."

Hinckley, Barbara. *Stability and Change in Congress*. New York: Harper and Row, Publishers, 1971.

A study based on the institutional structure of Congress as modified by seniority, committees, and parties.

Hirsch, Herbert, and M. Donald Hancock, eds. *Comparative Legislative Systems*. New York: The Free Press, 1971.

The first theoretical reader in comparative legislative systems.

Holcombe, Arthur N. *Our Perfect Union; From Eighteenth Century Principles to Twentieth Century Practice*. Cambridge, Mass.: Harvard University Press, 1950.

Details United States government system, with explanation of balances between separation of powers at the federal level, difference between federal and state powers, and the two-party system.

Jennings, Sir William Ivor. *Cabinet Government*. Cambridge, England: Cambridge University Press, 1959.

A description of a collection of precedents regulating the conventions of cabinet government.

Jones, Charles O. *Minority Party Leadership in Congress*. Boston: Little, Brown and Company, 1970.

Examination of the "organization and operations of minority parties" in the twentieth century.

Keefe, William J., and Morris S. Ogul. *The American Legislative Process: Congress and the States*. Third Edition. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1973.

Very readable background study of the American system of government.

Key, Vladimer O., Jr. *Politics, Parties, and Pressure Groups*. New York: Thomas Y. Crowell Company, 1958.

The classic in its field. Answers most of the theoretical questions one will have about American government.

Key, Vladimer O., Jr. *The Responsible Electorate: Rationality in Presidential Voting 1936-1960*. Cambridge, Mass.: The Belnap Press of Harvard University, 1966.

An analysis of the "rationality in presidential voting 1936-1960."

Knappman, Edward W., ed. *Watergate and the White House June 1972—July 1973*. Vol. 1. New York: Facts on File, Inc., 1973.

This is "must" reading for those interested in keeping the cast of characters and events surrounding Watergate in some useful order.

Kornberg, Allan. *Legislatures in Comparative Perspective*. New York: David McKay Company, 1972.

Primarily empirical and data-based articles, several of which focus on institutionalization.

Ladd, Everett C., Jr. *American Political Parties*. New York: W. W. Norton and Company, Inc., 1970.

A history of American political parties as an unique American invention.

Lee, Richard, ed. *Politics and the Press*. Washington, D.C.: Acropolis Books, 1970.

Helpful anthology of articles dealing with the press and politics from various perspectives.

Longley, Lawrence D., and Alan G. Braun. *The Politics of Electoral College Reform*. New Haven, Conn.: Yale University Press, 1972.

A rather complete treatment of the electoral college with special attention given to the campaigns of 1960 and 1968.

Lowi, Theodore J. *The End of Liberalism: Ideology, Policy and the Crisis of Public Authority*. New York: W. W. Norton and Company, 1969.

Attacks "political quiescence by analyzing the self-defeating character of its pluralist ideological base and its conservative and counterproductive policies."

Lowi, Theodore J. *The Politics of Disorder*. New York: Basic Books, Inc., 1971.

A thoughtful extension of Lowi's controversial *The End of Liberalism*, which shows explicitly that there are alternatives to political, pluralistic government.

Mahood, H. R. *Pressure Groups in American Politics*. New York: Charles Scribner's Sons, 1967.

Discusses role of "formally organized pressure groups in public policy formation" and emphasizes the "existence of a group theory of politcis."

Matthews, Donald R., ed. *Perspectives on Presidential Selection*. Washington, D.C.: The Brookings Institution, 1973.

A fine collection of essays concerning Presidential selection in America as compared to other countries like Great Britain and France. Several articles evaluate the United States electoral college.

McCarthy, Max. *Elections for Sale*. Boston: Houghton Mifflin Company, 1972.

The author has an axe to grind as the title indicates, but his discussion of money in political campaigns is a useful one.

McConnell, Grant. *Private Power and American Democracy*. New York: Alfred A. Knopf, Inc., 1966.

A study of private interests and their effect on the American political system.

Merriam, Charles Edward, and Louise Overacker. *Primary Elections*. Chicago: University of Chicago Press, 1928.

History and analysis of the primary election system, with suggestions for change.

Michener, James A. *Presidential Lottery: The Reckless Gamble in Our Electoral System*. New York: Random House, 1969.

A fairly precise analysis of the Electoral College and its weaknesses, with several proposals for change.

Minow, Newton N., John Bartlow Martin, and Lee M. Mitchell. *Presidential Television*. New York: Basic Books, Inc., 1973.

A provocative treatment of American presidents' manipulation of television to circumvent Congress, the courts, and the major opposition parties in checking presidential power.

Nichols, David. *Financing Elections: The Politics of an American Ruling Class*. New York: New Viewpoints, 1974.

Relatively useful treatment of the role of money in politics, especially as it relates to the acquisition of power.

Nichols, Roy F. *The Invention of the American Political Parties*. New York: The Macmillan Company, 1967.

Analysis of the "process of improvisation and adaptation" of the party system as a "key to understanding this democracy's operating mechanism."

Parris, Judith H. *The Convention Problem: Issues in Reform of Presidential Nominating Procedures. Studies in Presidential Selection.* Washington, D.C.: The Brookings Institution, 1972.

In-depth treatment of the convention system. Very balanced, responsible analysis.

Patterson, Caleb Perry. *Presidential Government in the United States, the Unwritten Constitution.* Chapel Hill: University of North Carolina Press, 1947.

A call to adopt a constitutional system closer to that of the British.

Patterson, Samuel C., and John C. Wahlke, eds. *Comparative Legislative Behavior: Frontiers of Research.* New York: Wiley-Interscience, a division of John Wiley and Sons, Inc., 1972.

A systematic analysis of parliamentary institutions on a "cross-national comparative basis," including an analysis of the United States.

Peters, Charles, and John Rothchild. *Inside the System.* Second Edition. New York: Praeger Publishers, Inc., 1973.

The problems of our system detailed by a number of authors.

Polsby, Nelson W. ed. *Congressional Behavior.* New York: Random House, 1970.

Articles on congressional behavior primarily from the standpoint of members of Congress.

Pomper, Gerald. *Nominating the President; The Politics of Convention Choice.* Evanston, Ill.: Northwestern University Press, 1966.

The history of nominations of Presidents and Vice Presidents, with suggestions for reform.

Porter, Kirk H., and Donald Bruce Johnson, comps. *National Party Platforms: 1840-1964.* Supplements 1968, 1969. Urbana, Ill.: University of Illinois Press, 1970.

An aid to determining exactly what a political party is, and what determines and what constitutes the platform of a national party.

Read, Conyers, ed. *The Constitution Reconsidered.* New York: Columbia University Press, 1938.

A collection of papers, discussing and sometimes analyzing the political, economic, and social ideas influencing the Constitutional Convention.

Reedy, George E. *The Twilight of the Presidency.* New York: New American Library, 1971.

An exposé of the difficulties of being an honest President.

Ripley, Randall B. *Majority Party Leadership in Congress.* Boston: Little, Brown and Company, 1969.

A scholarly history.

Ripley, Randall B. *Party Leaders in the House of Representatives.* Washington, D.C.: The Brookings Institution, 1967.

Analyzes "the legislative role of the party leaders by investigating the degree and nature of their influence on the legislative members of the House."

Ripley, Randall B. *Power in the Senate.* New York: St. Martin's Press, 1969.

Description of the internal power distribution in the Senate, including discussion on party leadership.

Saloma, John S., III. *Congress and the New Politics.* Boston: Little, Brown and Company, 1969.

A scholarly study of Congress, with suggested reforms.

Saloma, John S., III, and Frederick H. Sontag. *Parties: The Real Opportunity for Effective Citizen Politics.* New York: Alfred A. Knopf, Inc., 1972.

An incisive view of political parties in the Seventies with specifics on coming party modernization, based on the assumption that citizens will "reclaim" their parties.

Sayre, Wallace S., and Judith H. Parris. *Voting for President: The Electoral College and the American Political System. Studies in Presidential Selection.* Washington, D.C.: The Brookings Institution, 1970.

A detailed evaluation of the electoral college system and the major proposals for reform.

Scammon, Richard M., and Ben J. Wattenberg. *The Real Majority: How the Silent Center of the American Electorate Chooses Its President.* New York: Coward-McCann, Inc., 1970.

An attempt to analyze the United States political system by examining the voters.

Schlesinger, Arthur M., Jr., ed. *History of U.S. Political Parties, Vol. I-IV.* New York: Chelsea House Publishers, 1973.

Detailed examination (over 2000 pages) dealing with these eras: "from fractions to parties" (1789-1860); "the gilded age of politics" (1860-1910); "from square deal to new deal" (1910-1945); and "the politics of change" (1945-1972).

Sindler, Allan P. *Political Parties in the United States.* New York: St. Martin's Press, 1966.

An explanation of the party system, with critical appraisal and discussion of trends that may lead to reform.

Sorauf, Frank J. *Party Politics in America*. Second Edition. Boston: Little, Brown and Company, 1972.

Basic text on party politics.

Sorauf, Frank J. *Political Parties in the American System*. Boston: Little, Brown and Company, 1964.

Suggests the outlines of a theory of the political party by asking how the structures and roles of the party are determined and how the functioning party relates to the entire political process.

Sundquist, James L. *Dynamics of the Party System: Alignment and Realignment of Political Parties in the United States*. Washington, D.C.: The Brookings Institution, 1973.

A view of major realignments in the party system concentrating on elections of the 1850s, 1890s, and 1930s, with predictions of the future of parties.

Thayer, George. *Who Shakes the Money Tree?* New York: Simon and Schuster, 1973.

A critical view of money in politics with good historical relationships drawn and particular focus given to the role of special interests.

Thompson, Hunter S. *Fear and Loathing on the Campaign Trail '72*. San Francisco: Straight Arrow Books, 1973.

A very witty, detailed, frank diary of the campaign of 1972 with a bias favoring George McGovern and scorning Richard Nixon.

Truman, David B. *The Congress and America's Future*. Second Edition. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1973.

A highly regarded collection of thoughtful articles on congressional reform.

Truman, David B. *The Governmental Process: Political Interests and Public Opinion*. New York: Alfred A. Knopf, Inc., 1964.

A classical book on political interests and public opinion, first printed in 1950.

Twentieth Century Fund, The. *Electing Congress, The Financial Dilemma*. New York: The Twentieth Century Fund, Inc., 1970.

Brief, but provocative, discussion of the financing question in congressional elections.

Walker, Harvey. *The Legislative Process: Lawmaking in the United States*. New York: Ronald Press, 1948.

Detailed description of how the American people get their way through the legislative process.

Winter, Ralph K., Jr., and John R. Bolton. *Campaign Financing and Political Freedom.* Washington, D.C.: American Enterprise Institute for Public Policy Research, 1973.

A brief, but useful, summary and analysis of campaign laws and practices relating to financing questions.

Winter, Ralph K., Jr. *Watergate and the Law, Political Campaigns and Presidential Power.* Washington, D.C.: American Enterprise Institute for Public Policy Research, 1974.

An excellent concise analysis of Watergate and the Presidency.

Zeidenstein, Harvey. *Direct Election of the President.* Lexington, Mass.: D. C. Heath and Company, 1973.

Excellent treatment of the electoral process and the avenues for change, especially direct election proposals.

Articles from General Periodicals*

"The American Presidency;" "The American Two-Party System;" "American Political Reform." *Current History,* June, July, and August, 1974.

The three summer issues of *Current History,* which focus this year on problems of political reform, have been an important part of resource material used by high school students in forensics.

Blake, R. A. "Rethinking Campaigns." *America,* January 29, 1972, pp. 91-2.

Bendiner, R. "Presidential Primaries Are Haphazard, Unfair and Wildly Illogical. "*New York Times Magazine,* February 27, 1972, pp. 11+.

"Campaign Disclosure Law." *Congressional Quarterly Report,* June 17, 1972, pp. 1459-60.

"Campaign Finance Fact Sheet: Responses to Objections to Campaign Finance Reforms." Common Cause, n.d., offset.

An 11-page discussion of major objections to Common Cause's plan for campaign financing and Common Cause's responses and rationale.

Carleton, William G. "A Six-Year Term for the President?" *South Atlantic Quarterly,* Spring 1972, pp. 165-76.

Commager, H.S. "How Long Should a President Serve?" *Current,* November, 1973, pp. 14-7.

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*These references include special sections, issues, and periodicals with particular relevance to the topic areas.

Cranston, A. "Campaign Funds: How to Cure the Corruption." *Nation*, September 17, 1973, pp. 242-4.

"Common Cause Public Financing Proposal: Summary." Common Cause, n.d., offset.

A 4-page summary of Common Cause's proposal for public financing legislation.

"Common Cause Releases Study of 1972 Congressional Campaign Finances." News from Common Cause: Report #1, September 13, 1973.

A 28-page compilation of comprehensive spending figures on congressional races and an analysis of those figures.

"Congressional Quarterly Guide to Current American Government." *Congressional Quarterly*, Spring 1974.

A 125-page analysis of present government conditions. A look at Watergate, the Presidency, Congress, lobbies, and the Supreme Court.

"Convention Financing: Corporate America's Role." *Congressional Quarterly Report*, July 8, 1972, pp. 1656-60.

"Disgrace of Campaign Financing; Who's Who Among the Big Givers." *Time*, October 23, 1972, pp. 24-30.

Fingerhut, Vic. "A Limit on Campaign Spending—Who Will Benefit?" *Public Interest*, Fall 1971, pp. 3-13.

Gartner, Michael. "Campaign Financing: A Dubious Law." *Wall Street Journal*, April 5, 1972, p. 16.

"Key Provisions of Public Financing Bill Approved by the Senate Rules Committee on February 6, 1974." Common Cause, February 12, 1974, Offset.

A 4-page outline setting forth major elements of public financing bill reported by the Rules Committee.

Kriss, R. P. "National Primary: Building a Bigger Circus?" *Saturday Review*, April 1, 1972, p. 28.

"Major Provisions of S. 372, As Passed by the Senate." Common Cause, September 1973, Offset.

A 4-page summary of S. 372 and the position of Common Cause on each of the areas covered in the campaign financing bill.

Marshman, D. M. "Who Really Elects the Presidents?" *American Heritage*, February, 1973, pp. 103-4.

"Naming Vice Presidents: Efforts to Improve the System." *Congressional Quarterly Political Report*, 1974.

A 3-page exploration of reforms to improve the naming of Vice Presidents.

National Committee for an Effective Congress. *House Financial Disclosure Reports*. Washington, D.C.: National Committee for an Effective Congress, 1973, Offset.

"The Question of a Single Six-Year Presidential Term: Pro and Con." *Congressional Digest*, March 1972, pp. 65-96.

Members of Congress state their case, pro and con.

"New Ideas for Clean Elections: With Interviews with R. S. Strauss and G. Bush." *U.S. News & World Report*, June 4, 1973, pp. 79-81.

"Paying for Politics: New Drive to Tap Tax Dollars." *U.S. News & World Report*, January 21, 1974, pp. 25-7.

Pincus, W. "Campaign Financing." *New Republic*, October 27, 1973, pp. 16-9.

Pomper, G. M. "Nixon and the End of Presidential Politics." *Society*, March, 1973, pp. 14-6.

"The Question of Federal Financing of National Election Campaigns." *Congressional Digest*, February, 1974, pp. 33-64.

Reichley, A. J. "Let's Reform Campaign Financing, But Let's Do It Right." *Fortune*, December, 1973, pp. 94-7+.

"Should Tax Dollars Pay for Politics? What Party Leaders Say." *U.S. News & World Report*, August 20, 1973, pp. 31-4.

"Summary of Political Committees' Contributions to Congressional Candidates in the 1972 General Election." News from Common Cause: Report #3, November 30, 1973.

A 10-page analysis and breakdown.

"Tax-supported Campaigns; Check Off Plan." *New Republic*, December 22, 1973, pp. 5-7.

"The Washington Lobby: A Continuing Struggle to Influence Government Policy." *Congressional Quarterly Guide to Current American Government*, Spring 1973.

A 13-page description of pressure groups on legislation in such areas as civil rights, consumer interests, crime, environment, education, and health.

"What Lessons from Watergate? A Symposium." *Current*, November 1973, pp. 3-14.

"Vintage Year for the Incumbent." *Time*, November 20, 1972, pp. 37-8.

Articles from Law Reviews

Baker, Michael. "Constitutional Remedy for the High Cost of Broadcast and Newspaper Advertising in Political Campaigns." *California Law Review*. 60:1371-1414. September 1972.

An excellent article dealing with the extremely high costs of the recent campaigns. The author also presents a good analysis of Constitutional law in light of recent cases and this cost. He argues that election costs threaten the democratic process and demands action.

Bayh, Birch. "Electing a President—The Case for Direct Popular Election." *Harvard Journal on Legislation*. 6:127-38. January 1969.

The senator lists the flaws and dangers of the electoral college in looking at past elections and predicting possible future ones. He suggests the district and proportional alternatives as possible replacements.

Blumstein, James F. "Party Reform, the Winner-Take-All Primary, and the California Delegate Challenge: The Gold Rush Revisited." *Vanderbilt Law Review*. 25:975-92. October 1972.

This article presents good information on the party selection process and the recent problems that have arisen in this area. It also contains an outstanding analysis of Constitutional election law.

"A Constitutional Remedy for the High Cost of Broadcast and Newspaper Advertising in Political Campaigns." *California Law Review*. 60:1371-1415. September 1972.

This article deals with the shortcomings of the 1971 Federal Election Campaign Act and presents an argument in favor of a Constitutional remedy using case law and previous government actions. Claiming a denial of Constitutional rights, the author maintains that a new financing mechanism is required.

"Constitutional Standards for Encouraging Political Contributions." *Iowa Law Review*. 55:981-97. April 1970.

This article deals with the constitutionality of the state and federal statutes which promote political contributions through tax reduction programs. In examining the Fifth and Fourteenth Amendments, the author concludes that these programs are Constitutional even in excluding minor party candidates if the law is constructed right.

Court, H. Leonard and Charles Harris. "Free Speech Implications of Campaign Expenditure Ceilings." *Harvard Civil Rights-Civil Liberties Law Review*. 7:214-59. January 1972.

The authors of this article develop the need for congressional controls over campaign financing and argue the Constitutionality of such restrictions in regard to the First Amendment.

Ferman, Irving. "Congressional Controls on Campaign Financing: An Expansion or Contraction of the First Amendment." *American University Law Review*. 22:1-38. Fall 1972.

This article focuses on the Federal Election Campaign Act of 1971 in light of the First Amendment and the impact of the act on guaranteed freedoms. The author concludes that the act is fraught with Constitutional difficulties.

Fisher, Louis. "Presidential Spending and Congressional Controls." *Law and Contemporary Problems*. 37:135-72. November 1971.

An excellent analysis of the expansion of the office of the President. The author presents the major areas of expansion, some of the problems that it has caused, as well as some possible solutions to the gradual increase in power. Using impoundment, wars, and administrative funding as examples, the author presents a strong argument.

Fleishman, Joel. "Freedom of Speech and Equality of Political Opportunity: The Constitutionality of the Federal Election Campaign Act of 1971." *North Carolina Law Review*. 51:389-483. January 1973.

This article presents a detailed analysis of the 1971 act, its background, provisions, and goals. The author maintains that the act can not meet its objectives and lists different ways to avoid restrictions. He also suggests that, if enforced, it would put many unfair restrictions on some candidates. The article concludes with some less drastic but workable alternatives.

Freund, Paul. "Direct Election of the President: Issues and Answers." *American Bar Association Journal*. 56:773-5. August 1970.

The article calls for the direct popular election of the President, citing many hazards inherent within the current system. The current inequity, damaging effects to the two-party system, and the possibility of having a President not chosen by the majority are used to justify the stand.

Gossett, William. "Direct Popular Election of the President." *American Bar Association Journal*. 56:225-31. March 1970.

This article deals with the different proposals for changing the selection of a president and offers the advantages of the different methods. The author supports the adoption of the direct popular election to solve the problems of the system.

Lacy, Donald P., and Philip L. Martin. "Amending the Constitution: The Bottleneck in the Judiciary Committees." *Harvard Journal on Legislation*. 9:666-93. May 1972.

The author of this article concludes that the present Constitutional amendatory system actually serves a legitimate purpose.

Redish, Martin H. "Campaign Spending Laws and the First Amendment." *New York University Law Review*. 46:900-34. November 1971.

Approaching the topic from a unique standpoint, the author maintains that the high cost denies the poor their right to express their views in an electoral race. Dealing with spending limitations in the Constitutional framework of the First Amendment, the author presents a call for change.

Rosenthal, Albert. "Campaign Financing and the Constitution." *Harvard Journal on Legislation*. 9:359-423. March 1972.

An outstanding article that deals with the prospects and implications of limiting the campaign expenditures, restricting the size of contributions, requiring disclosure, using government subsidies, limiting the type of contributor and the type of expenditure.

Sterling, Carleton W. "Control of Campaign Spending: The Reformers' Paradox." *American Bar Association Journal*. 59:1148-53. October 1973.

This is a good introduction to compaign financing. It deals with some of the current problems and potential solutions, as well as discussing some of the problems that the alternatives would bring with them.

Wick, William D. "The Federal Election Campaign Act of 1971 and Political Broadcast Reform." *De Paul Law Review*. 22:582-628. Spring 1973.

This article deals with television and radio coverage in recent elections. It also presents the 1971 act and shows some of the ways in which it is being circumvented.

Articles from Political Science Periodicals

Deckard, Barbara. "State Party Delegations in the United States House of Representatives—An Analysis of Group Action." *Polity*, Spring 1973, pp. 311-34.

Based on congressional interviews, the article seeks to explain "varying degrees of alliance among members of different state party delegations."

Dreyer, Edward C. "Media Use and Electoral Choices: Some Political Consequences of Information Exposure." *Public Opinion Quarterly*, Winter 1971-1972, pp. 544-58.

Using the data from five sets of presidential elections, the author attempts to measure the impact of the media on the election outcome. The media exposure in the inter- and intra-election situation is considered.

Graber, Doris. "The Press as Opinion Resource During the 1968 Presiddential Campaign." *Public Opinion Quarterly*, Fall 1971, pp. 168-82.

The author tries to determine the effects of press coverage of elections on voting behavior. This is done in comparison to possible impact of political advertising in the same media.

Heuwinkel, Richard J., and Charles W. Wiggins. "Party Competition and *Party Leadership Attributes.*" *American Journal of Political Science,* February 1973, pp. 159-69.

Analyzes systematically the role played by interparty competition in leadership recruitment.

Hinckley, Barbara. "Coalitions in Congress: Size in a Series of Games." *American Politics Quarterly,* July 1973, pp. 339-59.

The discipline of coalition theory applied to Congress.

Kostroski, Warren Lee. "Party and Incumbency in Postwar Senate Elections: Trends, Patterns and Models." *American Political Science Review,* December 1973, pp. 1213-34.

Finds that party has undergone an overall decline in influence while incumbency has undergone a roughly proportionate increase.

Lucy, William H. "Polls, Primaries and Presidential Nominations." *The Journal of Politics,* November 1973, pp. 830-48.

By analyzing the polls and primaries of the previous elections, the author concludes that the nominating convention usually reaffirms the choice that the people would have otherwise made. He casts doubt on the wisdom of a direct primary because of poor turn-out and other factors.

McGregor, Eugene B., Jr. "Rationality and Uncertainty at National Nominating Conventions." *The Journal of Politics,* May 1973, pp. 458-78.

This article deals with the uncertainty of conventions and the behind-the-scenes power plays that occur there, often changing the final results. It has especially good information on multi-ballot conventions and their outcome.

Nicgorski, Walter. "The New Federalism and Direct Popular Election." *Review of Politics,* January 1972, pp. 3-15.

The author calls for the abolition of the electoral college on the grounds that it denies the true spirit of democracy. A brief history is included.

Obler, Jeffrey. "The Role of National Party Leaders in the Selection of Parliamentary Candidates." *Comparative Politics,* January 1973, pp. 157-84.

This article is an excellent analysis of the parliamentary system's ability to keep tight party control and thus accomplish more. It gives an in-depth analysis of the Belgian situation with references to the American and British systems for comparison.

Ranney, Austin. "Turnout and Representation in Presidential Primary Elections." *American Political Science Review*, March 1972, pp. 21-37.

This article shows the several shortcomings of primary elections and shows that they are not the perfect answer to selection. The author uses statistics from polls and primaries to prove his point.

Smiley, D. V. "The National Party Leadership Convention in Canada: A Preliminary Analysis." *Canadian Journal of Political Science*, December 1968, pp. 373-97.

An explanation of the process of the "only country in the British parliamentary tradition which chooses its party leaders through representative party conventions called for that purpose."

Sundquist, James L. "Whither the American Party System?" *Political Science Quarterly*, December 1973, pp. 559-81.

Attempt to "interpret the shifts of party strength in the past decade."

"Toward a More Responsible Two-Party System." *American Political Science Review*, September 1950, Supplement A.

A landmark appraisal of the American two-party system.

Turner, Julius. "Responsible Parties: A Dissent from the Floor." *American Political Science Review*, March 1951, pp. 141-52.

Rebuttal to the landmark appraisal of the two-party system.

Welch, Susan, and Eric H. Carlson. "The Impact of Party on Voting Behavior in a Nonpartisan Legislature." *American Political Science Review*, September 1973, pp. 854-67.

Well-footnoted article on legislative influences.

Government Documents*

U.S. Congress, House, *How Our Laws Are Made*, 92nd. Cong., 2nd sess., 1972, Document No. 92-323.

U.S. Congress, House, Republican Task Force on Congressional Reform and Minority Staffing, *We Propose: A Modern Congress*. New York: McGraw-Hill Book Company, 1966.

A series of articles by public officials.

*Unless otherwise indicated, these documents are available from the U.S. Government Printing Office, Washington, D.C.

U.S. Congress, House, Select Committee on Committees, *Panel Discussions on Committee Organization in the House*, Vols. 1, 2, 3, 93rd Cong., 1st sess., Summer 1973.

Discussions and working papers on committee organization having implications for congressional and executive branch reform.

U.S. Congress, Joint Committee on the Organization of the Congress, *Final Report*, No. 1414, 89th Cong., 2nd sess., 1966.

Recommendations on the role and procedures of Congress.

U.S. Congress, Senate, *A Bill to Amend the Federal Election Campaign Act of 1971, to provide for public financing of primary and general election campaigns for Federal elective office and to amend certain other provisions of law relating to the financing and conduct of such campaigns*, S. 3044, 93rd Cong., 2nd sess., 1974.

U.S. Congress, Senate, Committee on Government Operations, *A Survey of Public Attitudes*, Hearings before the Subcommittee on Intergovernmental Relations, 93rd Cong., 1st sess., 1973.

U.S. Congress, Senate, Committee on Rules and Administration, *Federal Election Campaign Act Amendments of 1974*, Hearings before the Committee to accompany S. 3044, 93rd Cong., 2nd sess., 1974.

U.S. Congress, Senate, Committee on Rules and Administration, *Public Financing of Federal Elections*, Hearings before the Subcommittee on Privileges and Elections, on S. 1103, S. 1954, S. 2417, 93rd Cong., 1st sess., 1973.

U.S. Congress, Senate, Hearings on Federal Election Campaign Act of 1971: May 24, 25, 1971, Committee on Rules and Administration, Subcommittee on Privileges and Elections, 92nd Cong., 1st sess.

U.S. Congress, Senate, Hearings on Federal Election Reform, 1973: April 11, 12, June 6, 7, 1973, Committee on Rules and Administration, Subcommittee on Privileges and Elections, 93rd Cong., 1st sess.

U.S. Congress, Senate Select Committee on Presidential Campaign Activities, *Election Reform: Basic References*, Committee Print, 93rd Cong., 1st sess., November 1973.

About 700 pages of background studies and documents on campaign and election reform compiled for the benefit of the Select Committee on Presidential Campaign Activities.

U.S. Congress, Senate, Committee on Government Operations, Subcommittee on Intergovernmental Relations, *Confidence and Concern; Citizens View American Government*, Parts 1, 2, 3, Committee Print, 93rd Cong., 1st sess., 1973.